



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 24, 2025
Sent via email

Gerardo Quero
Imperial County Planning Development
801 Main Street
El Centro, CA 92243
gerardoquero@co.imperial.ca.us

Global Lithium Energy Corp. CUP#24-0025/IS#24-0036 (Project)
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)

SCH# 2025020843

Dear Mr. Quero:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Imperial County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The proposed Project consists of up to two (2) geothermal exploration wells with a proposed depth from 500 to 6,000 feet, two (2) 350 by 200 feet well pads, a 300 by 300 feet move on area, all within a fenced footprint of approximately 1,300 by 520 feet area on the southeast corner of a 17-acre parcel.

Proponent: Global Lithium Energy Corp.

Objective: The objective of the Project is to drill two geothermal exploration wells on the southeast corner of the subject property.

Location: The proposed Project would be located at 6998 Kalin Road, Calipatria, CA; Assessor's Parcel Number (APN) 020-120-025-000. The Project site is bound by active farmlands on the North, Kalin Road on the West, the Alamo River on the East, and Lindsey Road on the South.

Timeframe: Project construction is anticipated to be completed over a period of approximately 30-90 days. The start date was not identified in the MND.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Imperial County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Special-Status Species

Section: MND Section IV, Page 20

Issue: CDFW is concerned about the Project's potential impacts to special-status species onsite given the Project site contains suitable habitat for special-status species.

Specific impact: Potential take of special-status species and loss of habitat.

Why impact would occur: Project implementation could result in direct mortality and/or injury to special-status species associated with staging and presence of construction equipment, vehicles, and foot traffic and in the loss of nesting and/or foraging habitat from grading, ground disturbance, and vegetation clearing.

Evidence impact would be significant: The species below include federal Endangered Species Act (ESA) and California Endangered Species Act (CESA)-listed species.

Recommended Potentially Feasible Mitigation Measure(s) To reduce impacts to less than significant: CDFW supports the inclusion of Biological Resources (BIO) mitigation measure (MM) MM BIO-2 with minor revisions in the final MND, as per below to avoid impacts to special-status species (edits are in ~~strikethrough~~ and additions are in **bold**):

(MM BIO-2) Biological Resources Mitigation Measure 2

Conduct Surveys for Special Status Animal Species. As a requirement of an application for a future renewable energy facility, surveys for special status animal species shall be conducted by qualified and agency-approved biologists to determine the presence or absence of sensitive animal species within the footprint of a future renewable energy project. Required surveys for special status animal species may include, but are not limited to, American badgers (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), flat-tailed horned lizard (*Phrynosoma mcallii*), golden eagle (*Aquila chrysaetos*), mountain plover (*Anarhynchus montanus*), prairie falcons (*Falco mexicanus*), Swainson's hawk (*Buteo swainsonii*), and Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), among others. Any special status mammal, reptile, and amphibian species detected during surveys ~~shall be passively relocated to areas outside the construction zone and prevented from reentering the future project area with the installation of silt fencing or other exclusion fencing. All fencing shall be periodically monitored and maintained for the duration of construction. Passive relocation shall only be done in the nonbreeding season in accordance with guidelines and consultations with resource agencies. Depending on which special status species are present within the project boundaries, passive relocation measures may include covering or excavating all burrows or dens and installing one-way doors into occupied burrows. This would allow any animals inside to leave the burrow but would exclude any animals from reentering the burrow. The burrows shall then be excavated and filled in to prevent their reuse. Other types of relocation measures may be required. Depending on which special status species are present within the project boundaries. If direct impacts to special status species cannot be avoided, an agency-approved biologist shall prepare a species-specific Mitigation and Monitoring Plan that would detail the approved, site-specific methodology proposed to minimize and mitigate impacts to each species. Passive relocation, destruction of burrows, construction of artificial burrows, etc. shall be completed only upon prior approval by and in cooperation with CDFW and/or USEFWS~~ **shall not be harassed and shall be allowed to leave the Project site unharmed and of its own volition. If**

needed, a Qualified Biologist may guide, handle, or capture an individual non-listed wildlife species to move it to a nearby safe location within nearby refugium.

COMMENT #2: Burrowing Owl (*Athene cunicularia*)

Section: MND Section IV, Page 22

Issue: The Project site contains suitable habitat for burrowing owl, a CESA-listed candidate species.

Specific impact: Project activities may result in degradation and permanent loss of burrowing owl habitat and may also result in a CESA violation associated with unpermitted direct mortality and/or injury to burrowing owl onsite.

Why impact would occur: Burrowing owls are well-adapted to open, relatively flat expanses and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring onsite. As such, ground disturbance, site preparation, and grading could destroy habitat and result in unauthorized take of burrowing owl.

Evidence impact would be significant: As a candidate species, Western Burrowing Owl is granted full protection of a threatened species under CESA. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated. Habitat loss is a threat to burrowing owls (CDFG, 2012). Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004).

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: Although CDFW appreciates the inclusion of MM BIO-9, MM BIO-11 and MM BIO-13 in the IS/MND, CDFW is concerned they may not be sufficient to avoid impacts to burrowing owl. Thus, CDFW strongly recommends the following edits to MM BIO-9, MM BIO-11, and MM BIO-13 to avoid impacts to BUOW (edits are in ~~strike through~~ and additions are in **bold**):

(MM BIO-9) Biological Resources Mitigation Measure 9

If occupied burrows are found on site, **Project activities shall be immediately halted and Biological Resources Mitigation Measure 13 shall be followed** and if necessary, the burrows shall be passively relocated by a qualified biologist outside of nesting season and an appropriate number of artificial burrows shall be installed. If possible, these burrows shall be installed as close as possible to the passively relocated burrows. A Plan should be prepared to address activities and conservation efforts and submitted to CDFW.

(MM BIO-11) Biological Resources Mitigation Measure 11

~~If occupied burrows are sheltered, a biological monitor shall monitor areas of active construction; schedule to be determined by qualified biologist. This biologist will ensure that the project complies with these mitigation measures and will have the authority to halt activities if they are not in compliance. The biologist will inspect the construction areas periodically for the presence of BUOWs.~~

(MM BIO-13) Biological Resources Mitigation Measure 13

~~A preconstruction survey should be carried out~~ **Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14-30 days prior to the start of project-related activities. and Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to initiating ground disturbance in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version).** The report should be submitted to the appropriate agencies but not limited to ICPDS. If necessary, an Exclusion Plan would be prepared with consultation with CDFW if BUOW are found on site after the initial preconstruction survey. **If impacts to occupied burrowing owl habitat or burrows cannot be fully avoided, consultation with CDFW is warranted to discuss how to acquire an Incidental take Permit (ITP) prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the ITP as a minimization measure.**

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make

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subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist Imperial County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Corina Gutierrez, Environmental Scientist at Corina.Gutierrez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearing House, Sacramento
state.clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

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REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Imperial County. February 2025. Initial Study/Mitigated Negative Declaration Environmental Checklist Form Global Lithium Energy Corp CUP #24-0025.

Rosenberg, Daniel K., and Katherin L. Haley. 2004. Studies in Avian Biology 27:120-135.

Attachment A: Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-2:</p> <p>Conduct Surveys for Special Status Animal Species. As a requirement of an application for a future renewable energy facility, surveys for special status animal species shall be conducted by qualified and agency-approved biologists to determine the presence or absence of sensitive animal species within the footprint of a future renewable energy project. Required surveys for special status animal species may include, but are not limited to, American badgers (<i>Taxidea taxus</i>), burrowing owl (<i>Athene cunicularia</i>), flat-tailed horned lizard (<i>Phrynosoma mcallii</i>), golden eagle (<i>Aquila chrysaetos</i>), mountain plover (<i>Anarhynchus montanus</i>), prairie falcons (<i>Falco mexicanus</i>), Swainson's hawk (<i>Buteo swainsonii</i>), and Yuma Ridgway's rail (<i>Rallus obsoletus yumanensis</i>), among others. Any special status mammal, reptile, and amphibian species detected during surveys shall not be harassed and shall be allowed to leave the project site unharmed and of its own volition. If needed, a Qualified Biologist may guide, handle, or capture an individual non-listed wildlife species to move it to a nearby safe location within nearby refugium.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p> <p>& During Construction</p>	<p>Project Proponent</p>
<p>MM BIO-9:</p> <p>If occupied burrows are found on site, Project activities shall be immediately halted and</p>	<p>Prior to commencing ground or vegetation</p>	<p>Project Proponent</p>

<p>Biological Resources Mitigation Measure 13 shall be followed.</p>	<p>disturbing activities & During Construction</p>	
<p>MM BIO-13:</p> <p>Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14-days prior to the start of project-related activities. and Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to initiating ground disturbance in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If impacts to occupied burrowing owl habitat or burrows cannot be fully avoided, consultation with CDFW is warranted to discuss how to acquire an Incidental take Permit (ITP) prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the ITP as a minimization measure.</p>	<p>Prior to commencing ground or vegetation disturbing activities & During Construction</p>	<p>Project Proponent</p>