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April 22, 2025
Sent via email

Elizabeth Mora-Rodriguez
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Subject: Notice of Preparation of a Draft Environmental Impact Report
Savira Solar Project
State Clearinghouse No. 2025030499

Dear Ms. Mora-Rodriguez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the County of Riverside Planning Department (County) for the Savira Solar Project (Project) pursuant to 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 Project will include the construction and operation of 150 megawatts (MW) of solar photovoltaic (PV) facility, a 250 MW battery energy storage system (BESS), a 230 kilovolt (kV) substation, a 230 kV generation tie (gen-tie) transmission line, an operations and maintenance building (O&M), and access roads. The solar energy generated by the Project would be transmitted via the proposed 2-mile-long gen-tie line to the existing Arica and Victory Pass substation, where it would be carried along the existing Arica and Victory Pass gen-tie line and interconnect to the regional transmission grid at the Southern California Edison Red Bluff Substation.

The proposed Project is located in the County of Riverside, north of Interstate 10 and approximately 8.5 miles east of the town of Desert Center. The Project site consists of 6 parcels of private land, totaling approximately 535 acres. The Project site encompasses Accessor's Parcel Number (APN) 811190004, 811231004, 811231003, 811231001, 811231008, and 811190005. The proposed PV facility, BESS, substation, and O&M building is located within County of Riverside. The proposed gen-tie line and access roads would be located on BLM-administered land.

COMMENTS AND RECOMMENDATIONS

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

CDFW recommends that the forthcoming (Draft Environmental Impact Report) DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the

DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) should be queried to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Fish and Game Code section 1930 et seq., in the vicinity of the proposed Project. See <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, should inform the environmental baseline of the Project site. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive

taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

A SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed under the federal Endangered Species Act (ESA), but not CESA-listed as threatened, or endangered;
- meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status;
- and/or has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status.

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species;
- Live capture and relocation of a bird species for the protection of livestock;
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515); or
- Specified types of infrastructure projects eligible for an incidental take permit (see Fish & G. Code § 2081.15).

CDFW recommends species-specific surveys for sensitive species that the Project footprint has the potential to support, including but not limited to:

Western Burrowing Owl (*Athene cunicularia hypugaea*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for western burrowing owl (burrowing owl). On October 10, 2024, the Fish and Game Commission determined that burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities, including burrow exclusion and closure, could result in take, appropriate CESA

authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081b) should be obtained prior to commencement of Project activities.

Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. 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.”

For the purposes of CEQA review, CDFW recommends that the County follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website:

<https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

CDFW recommends breeding and non-breeding surveys for the species be conducted on the Project site to establish the environmental baseline of resident and migratory individuals, and map all burrows with live individuals and/or sign.

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity.

Within the 2012 Staff Report, the minimum habitat replacement recommendation was purposely excluded as it was shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. It hypothesized that mitigation for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs

offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Furthermore, the report noted that suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide. CDFW recommends consultation prior to obtaining mitigation lands for the species. In addition, the DEIR shall propose mitigation for the permanent loss of burrowing owl habitat; see number 4 under the Mitigation Measures for Project Impacts to Biological Resources section in this letter (page 13).

Mojave Desert Tortoise (*Gopherus agassizii*)

The Project site occurs within the range of Mojave desert tortoise (*Gopherus agassizii*), a state-listed threatened, candidate endangered species and a federally listed threatened species. The Project has the potential to result in permanent and temporary loss, degradation and impacts to Mojave desert tortoise and their habitat. CDFW recommends the County complete protocol level surveys over all areas (i.e., 100 percent coverage) proposed to be directly or indirectly affected by the Project, using qualified biologists and following the USFWS Desert Tortoise Field Manual, accessible here: <https://www.fws.gov/media/desert-tortoise-field-manual>. To reduce the likelihood of nonconcurrence with proposed surveys, methodology, and qualifications of biologists, CDFW recommends working with the USFWS and CDFW concurrently to ensure a consistent and adequate approach.

If Mojave desert tortoise are found within the Project area during surveys or construction activities, and complete avoidance is not possible, CDFW strongly recommends the County require the Project Proponent to acquire a CESA ITP prior to any vegetation- or ground-disturbing activities and require compensatory mitigation appropriate for impact to a CESA-listed species. Any take of Mojave desert tortoise without take authorization would be a violation of Fish and Game Code section 2080.

American Badger (*Taxidea taxus*)

The Project occurs within the range of the American badger, a SSC. CDFW recommends the Project complete surveys for American badger over the Project area proposed to be directly or indirectly affected by the Project activities and that the results of such surveys be included in the DEIR, along with avoidance, minimization, and mitigation measures, if appropriate.

If American badger are found, or have the potential to occupy the Project site, CDFW recommends the County require species specific mitigation to offset impacts and avoidance, minimization and monitoring measures aimed at avoiding direct impacts to American badger be incorporated into the DEIR. Avoidance and minimization measures should include procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

Desert kit fox (*Vulpes macrotis arsipus*)

The Project occurs within the range of desert kit fox, a protected species pursuant to Title 14 of the California Code of Regulations Section 460, which prohibits the take of the species at any time. CDFW recommends surveys be conducted over all areas proposed to be directly or indirectly affected by the Project to determine presence/absence and numbers of desert kit fox, and that this information be included in the DEIR.

If desert kit fox is found, or have the potential to occupy the Project site, CDFW recommends the County require species-specific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at avoiding direct impacts to the desert kit fox be incorporated into the DEIR. Avoidance and minimization measures should include procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

Bats

The Project site and adjacent parcels have the potential to provide suitable roosting (day, night, and maternal) and foraging habitat for several bat species (collectively, bats), including but not limited to:

- pallid bat (*Antrozous pallidus*) (SSC)
- Townsend's big-eared bat (*Corynorhinus townsendii*) (SSC)
- western mastiff bat (*Eumops perotis*) (SSC)
- western red bat (*Lasiurus blossevillii*) (SSC)
- western yellow bat (*Lasiurus xanthinus*) (SSC)

- hoary bat (*Lasiurus cinereus*) (SSC)
- California myotis (*Myotis californicus*)
- Arizona myotis (*Myotis occultus*) (SSC)
- Cave myotis (*Myotis velifer*) (SSC)
- Yuma myotis (*Myotis yumanensis*) (SSC)
- Pocketed free-tailed bat (*Myctinopops ferosaccus*) (SSC)

Project construction and activities may result in direct and indirect impacts to bats. Direct impacts include removal of structures or vegetation occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, pile driving, excavating, and grading), and vibrations caused by heavy equipment.

Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC.

The DEIR should include results of specific surveys for bats for the Project area proposed to be directly or indirectly affected by Project activities and the results of the surveys included in the DEIR, along with avoidance, minimization and mitigation measures, if appropriate. These surveys should occur during each season of the year to document seasonal use and be supplemented with full spectrum acoustic monitoring throughout the year. CDFW recommends if active hibernacula or day roosts are identified in the work area or within 500 feet of the work area, they be avoided to the extent feasible. For maternity roosts, Project construction should only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30). Maternity roosts shall not be evicted, excluded, removed, or otherwise disturbed.

Bird and Bat Conservation Strategy

CDFW recommends the development of a Bird and Bat Conservation Strategy (BBCS) that includes the following:

- Describe baseline conditions for bird and bat species present within the Project site and gen-tie line corridor, including results of site-specific surveys. CDFW recommends baseline conditions for bird species be established through avian point count surveys with the following methodology:

- a. Perform two surveys to detect early migrants (end of March) and later migrants (middle to end of May).
 - b. Pick representative habitats and space the surveys to sample and view the most area possible.
 - c. For passerines, conduct the survey for 10 minutes at each point, and each point location should be 100-200 meters in radius.
 - d. For raptors, conduct the survey for 2-4 hours at each point, and each point location should be 800 meters in radius.
 - e. For golden eagle, conduct nest surveys within 2 miles of the Project site, following U.S. Fish and Wildlife Service (USFWS) protocol, accessible here: <https://www.fws.gov/media/interim-golden-eagle-inventory-and-monitoring-protocols>. If nests are found within 2 miles, CDFW suggests consultation with USFWS regarding a disturbance permit.
- Assess potential risk to bird and bat species based on the proposed activities, including all potential risks identified in the DEIR.
 - Specify conservation measures that will be employed to avoid, minimize, and/or mitigate any potential adverse effects to these species. Specifically, to minimize the potential for avian electrocutions and collisions with above ground lines, wires, fences, etc., and the BCS shall include, but not be limited to, the following measures:
 - a. Project design guidelines consistent with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection On Power Lines (2006; "Electrocution Manual") and Reducing Avian Collisions with Power Lines (2012; "Collision Manual") to the maximum extent feasible. Where APLIC suggested design guidelines are not feasible, the BCS shall explain why and what alternatives have been considered to achieve the electrocution and/or collision reduction objectives.
 - b. The latest monitoring, detection, and avoidance measures applicable to BESS and gen-tie projects.
 - c. Describe the incidental bird and bat mortality and injury monitoring and reporting that will take place during construction.

- d. Describe the post-construction avian and bat mortality monitoring and reporting of the deaths and injuries from collisions with facility features such as, but not limited to the BESS, fence and gen-tie line.
 - e. The study design shall be reviewed and approved by the BLM and CDFW in coordination with USFWS.
 - f. Specify the process for using the monitoring data to inform an adaptive management program that would avoid and minimize Project-related avian and bat impacts.
 - g. Specify the conservation measures that would be implemented if found necessary through the adaptive management program. Such measures could potentially include efforts to make project features visible to birds.
 - h. Post-construction mortality monitoring and reporting shall be required for a minimum of two years, including the following project components: BESS (a minimum of 40% survey coverage per year), perimeter fencing (100% survey coverage per year), and the gen-tie line (a minimum of 50% survey coverage per year).
4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants> and [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)). Please note, the survey protocols state botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable which is usually during flowering or fruiting (CDFW, 2018). The botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project area (CDFW, 2018). This usually involves multiple visits to the Project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present (CDFW, 2018).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project (including the plan's land use designations, policies and programs). To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., flat-tailed horned lizard management/research areas, preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the Project area could support significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The DEIR should analyze the cumulative effects of the plan's land use designations, policies and programs on the environment. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific

plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]). The No Project alternative should evaluate how the changing environment, such as climate change and drought, may affect the community if a new or revised general plan were not adopted.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The County should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species, such as golden eagle (*Aquila chrysaetos*), may not be taken or possessed at any time, except when authorized by CDFW through the issuance of an ITP for solar photovoltaic and associated electric transmission projects, as outlined in Fish & Game Code section 2081.15(b)(5). Any take of golden eagle without take authorization would be a violation of Fish and Game Code section 3511.

Project activities described in the DEIR should generally be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that County include in the analysis how appropriate avoidance measures will reduce indirect impacts to fully protected species.

2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The Project area could support desert plant communities that have annual and short-lived perennial plants as major floristic

components. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.

3. *California Species of Special Concern*: As previously stated, SSC status applies to animals generally not listed under the ESA or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. SSCs should be considered during the environmental review process. SSCs have the potential or have been documented to occur within or adjacent to the Project area, including, but not limited to: loggerhead shrike (*Lanius ludovicianus*), horned lark (*Eremophila alpestris*), prairie falcons (*Falco mexicanus*), and American badger (*Taxidea taxus*).
4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines,

§§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

The DEIR shall propose mitigation for the permanent loss of desert tortoise and burrowing owl habitat. For burrowing owl, the mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors.

Permanent protection of mitigation land for sensitive species impacted by the Project shall be through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, with development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for the species, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. The ratio of acquisition to loss must in most cases exceed 1:1 for any species, particularly burrowing owl. The ratio should be higher for rarer species, particularly for those that occupy irreplaceable habitats.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
 - (a) the location of restoration sites and assessment of appropriate reference sites;
 - (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
 - (c) a schematic depicting the mitigation area;
 - (d) a local seed and cuttings and planting schedule;
 - (e) a description of the irrigation methodology;
 - (f) measures to control exotic vegetation on site;
 - (g) specific success criteria;
 - (h) a detailed monitoring program;
 - (i) contingency measures should the success criteria not be met; and
 - (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in advance of project impacts in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide

restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing (e.g., conducting work outside the peak nesting season), monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

7. *Moving out of Harm's Way*: To avoid direct mortality to any non-listed terrestrial wildlife, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to inspect the Project area prior to any

Project activities. Any individuals found shall not be harassed and shall be allowed to leave the Project area unharmed. If needed, a qualified biologist may guide, handle, or capture an individual non-listed, non-fully protected wildlife species to move it to a nearby safe location within nearby refugium, or it shall be allowed to leave the Project site of its own volition. Capture methods may include hand, dip net, lizard lasso, snake tongs and snake hook. If the wildlife species is discovered or is caught in any pits, ditches, or other types of excavations, the qualified biologist shall release it into the most suitable habitat near the site of capture. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Only biologists with appropriate authorization by CDFW shall move CESA-listed species. Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful, and should be considered a minimization measure.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of CESA-listed species, either through construction or over the life of the project. It is the policy of CESA to conserve, protect, enhance, and restore CESA-listed species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. CDFW must comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specify a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB and Biogeographic Information and Observation System (BIOS), and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species have the potential to occur onsite/have previously been reported onsite: western burrowing owl (*Athene cunicularia hypugaea*).

CDFW Lake and Streambed Alteration Program

Based on review of material submitted with the NOP and review of aerial photography, areas subject to Fish and Game Code section 1602 are present on site. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification package, please go to <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Construction Noise

Project-related construction has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project. CDFW recommends that the DEIR include an analysis of impacts to wildlife from Project-related construction noise, and appropriate avoidance, minimization, and mitigation measures that will reduce impacts to less than significant.

Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et

al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins, 2005; Patricelli and Blickley, 2006; Gillam and McCracken, 2007; Slabbekoorn and Ripmeester, 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006; Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle, 2011). The County should include measures in the DEIR to ensure the following: restricting the use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning); restricting the use of generators except for temporary use in emergencies; ensure the use of noise suppression devices such as mufflers or enclosure for generators; and sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

Artificial Nighttime Lighting

The Project will introduce new sources of artificial lighting. CDFW recommends that the DEIR include lighting design specifications for all artificial nighttime lighting that will be used by the Project, an analysis of the direct and indirect impacts of artificial nighttime lighting on biological resources, and appropriate avoidance, minimization, and mitigation measures that will reduce impacts to less than significant. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures should be included in the DEIR.

Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song (Miller, 2006)), determining when to begin foraging (Stone et al. 2009, behavioral thermoregulation (Beiswenger, 1977), and migration (Longcore and Rich, 2004). Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it. The County should include measures in the DEIR to ensure the following: eliminate all nonessential lighting throughout the Project area; avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active; lighting for Project activities is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in spill over onto other properties or upward into the night sky (see the International Dark-Sky

Association standards at <http://darksky.org/>); the use of LED lighting with a correlated color temperature of 3,000 Kelvins or less; proper disposal of hazardous waste; and recycling of lighting that contains toxic compounds with a qualified recycler.

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 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). Information can be submitted online or via completion of the CNDDDB field survey form 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://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.


FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 NOP of a DEIR for the Savira Solar Project (SCH No. 2025030499) and recommends that the County address CDFW's comments and concerns in the forthcoming DEIR. Questions regarding this letter or further coordination should be directed to Lily Mu, Senior Environmental Scientist (Specialist), at Lily.Mu@wildlife.ca.gov or (909) 544-2521.

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

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

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