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GAVIN NEWSOM, Governor
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October 9, 2025

Jeremy Shaw
Fresno County Department of Public Works and Planning
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**Subject: Rosemary Solar and Energy Storage System Complex (Project)
Unclassified Conditional Use Permit Application Nos. 3795, 3796, 3797,
and 3798 & EIR No. 8575
Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2024110253**

Dear Jeremy Shaw:

The California Department of Fish and Wildlife (CDFW) received a DEIR from Fresno County, as Lead Agency, for the 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, CDFW appreciates 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

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.

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projects and related activities that have the potential to adversely affect fish and wildlife resources.

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.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: Rosemary Solar, LLC

Objective: The Project proposes to construct, operate, maintain, and decommission a 140-megawatt (MW) solar and energy storage complex and 140 MW alternating current (ac) battery energy storage facility. The Project would include O&M buildings, parking, and an onsite substation. Four separate facilities are proposed as part of the Project, each on a distinct site, totaling approximately 1,172 acres. An approximately 2-mile-long transmission (generation-tie) line would deliver power via one of four possible pathways to the existing Pacific Gas and Electric Company (PG&E) owned 70 kilovolt (kV) Crescent Substation, which would be the Project's point of interconnection with the grid.

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The Project also includes an evaluation of the impacts of reconductoring approximately five miles of the PG&E Helm to Crescent 70 kiloVolt (kV) electric transmission line (PG&E Transmission Line) to facilitate Project interconnection. These activities, which would be conducted by PG&E, would include replacing or improving poles within an approximately 50-foot-wide corridor, pulling and tensioning of new conductor, and using equipment storage, storage and laydown areas and a helicopter landing zone with a temporary two-acre footprint.

Location: The Project is located in a rural area of Fresno County, approximately 25 miles southwest of Fresno and approximately five miles south of the City of San Joaquin. The Project is located in U.S. Geological Survey (USGS) San Joaquin 7.5-minute quadrangle in Section 19, Township 16 South and Range 17 East, Sections 23 and 24 of Township 16 South and Ranges 16 East of the Mount Diablo Base Meridian. The Project site is bounded by W. Kamm Avenue to the north, S. El Dorado Avenue to the west, W. Conejo Avenue to the south, and S. Yuba Avenue to the east.

Timeframe: Construction would occur over approximately 18 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Fresno County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Final Environmental Impact Report (FEIR).

As stated in the DEIR, the Project site contains several natural and agricultural habitats including tilled row crops and fallow fields. Annual grassland and seasonal wetlands are also present within and surrounding the PG&E Transmission Line, which may provide habitat for a number of special-status species. Based on a review of the Project description and habitat assessments within the DEIR, California Natural Diversity Database (CNDDB) records, aerial imagery, and the Biological Resources Evaluation (BRE), several special-status species could potentially be impacted by Project activities.

Currently, the DEIR acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts for these species to a less than significant level. CDFW has concerns about the ability of some of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take of the State and federally endangered Fresno kangaroo rat (*Dipodomys nitratoides exilis*); the State and federally endangered and fully protected blunt-nosed leopard lizard (*Gambelia sila*); the State threatened Swainson's hawk (*Buteo swainsonii*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); and the

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State special animal and federally endangered Buena Vista Lake ornate shrew (*Sorex ornatus relictus*).

Fresno Kangaroo Rat

The Project site is within the historic range of the Fresno kangaroo rat (FKR) and, as documented in the DEIR, the PG&E Transmission Line footprint contains suitable grassland habitat for the species. While there are currently no known extant populations, recent surveys in FKR range have been limited and the status of FKR populations is unknown. As noted in the DEIR, portions of the PG&E Transmission Line are located near the Fresno Slough, which may provide connectivity to where the species was last found.

Currently, the DEIR includes Avoidance and Minimization Measure (AMM) 20 from the San Joaquin Valley Habitat Conservation Plan (SJVHCP) to mitigate for potential impacts to Fresno kangaroo rat within the PG&E Transmission Line footprint. However, the SJVHCP does not include FKR as a covered species and AMM 20 is intended to avoid and minimize impacts to different covered species, specifically giant kangaroo rat (*Dipodomys ingens*) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). As implementation of AMM 20 would have the potential to result in the unauthorized take of FKR, CDFW recommends that if FKR are detected during surveys or at any time during construction, immediate consultation with CDFW occur to discuss the Project and development of mitigation measures such as take avoidance, minimization, and mitigation. CDFW also continues to recommend that PG&E consult with CDFW for guidance on appropriate FKR survey methodology if Project activities are anticipated to occur within the suitable FKR habitats adjacent to Fresno Slough and north of West Kamm Avenue (west of the rail alignment).

Blunt nosed leopard lizard

Blunt-nosed leopard lizard (BNLL) are known to occur within the Mendota Wildlife Area and Kerman Ecological Reserve (CDFW 2025) and the Fresno Slough and north of West Kamm Avenue, all of which contain suitable grassland and upland scrub habitat to support the species. As such, CDFW recommends PG&E implement the following measures within the portions of the PG&E Transmission Line route that occur within suitable BNLL habitat adjacent to Fresno Slough and north of West Kamm Avenue (west of the rail alignment):

Recommended Mitigation Measure 1: BNLL Surveys

Prior to any transmission line related impacts in the above referenced areas, CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019)

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prior to Project activities that result in ground disturbance within areas of suitable habitat. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species.

Recommended Mitigation Measure 2: BNLL Avoidance Buffer

Based on unpublished data from Dr. David Germano documenting that “male BNLL have home ranges up to 52 acres and that female BNLL have home ranges exceeding 98 acres, the known maximum home range sizes observed for the species, the unknown specific footprint of the individual BNLL’s home range relative to where the lizard was observed on the surface, and the unknown location of the lizard underground when construction commences.” Based on this information, CDFW often considers full avoidance of BNLL to include a minimum 395-acre buffer around each BNLL detection, but this buffer varies by the size and type of project-related ground disturbance. This buffer size is further supported by a 2018 study from Tennant, Germano, et al. titled “Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department Ecological Reserves” (Tennant 2018). Among other findings, this study recorded female BNLL in competitive areas dispersing over a kilometer before returning back to their home range. One surveyed female BNLL individual was identified 1.34 kilometers from the original detection point (Tennant 2018).

Based on the linear footprint of the PG&E Transmission Line, duration of PG&E-related activities, and limited amount of ground disturbance activities typically associated with transmission line reconductoring, CDFW recommends that any BNLL detection, known or potentially occupied burrows, or egg clutch sites have a minimum 50-foot buffer. Additionally, if BNLL, known or occupied burrows, or egg clutch sites are detected, CDFW recommends that an appropriate number of qualified biologists be present during all ground disturbing activities, including ingress and egress to the PG&E Transmission Line, to ensure that BNLL above ground are not impacted; and that any individual that may enter an area of construction activity be allowed to leave unobstructed on its own.

Recommended Mitigation Measure 3: BNLL Consultation

With the passage of Senate Bill No. 147, the incidental take of BNLL may be authorized for certain categories of projects. If BNLL protocol surveys find that the PG&E Transmission Line is occupied by BNLL, or PG&E chooses to assume presence for BNLL, consultation with CDFW is recommended to discuss how to implement activities and avoid take; or if avoidance is not feasible, to acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b).

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Swainson's Hawk

The DEIR notes that there is foraging habitat for Swainson's hawk (SWHA) throughout the Project site and multiple SWHA were detected during reconnaissance surveys within the Project site and vicinity. The DEIR also notes the closest suitable SWHA nest tree is located approximately one mile from the Project solar facility, although, several potential nesting trees are located within or adjacent to the PG&E Transmission Line. Currently, Mitigation Measure (MM) 3.5-7 is proposed to mitigate for potential impacts to SWHA within and adjacent to the solar facility and includes measures for a SWHA preconstruction surveys and delineation of a 0.25-mile no-disturbance buffer for active SWHA nests. CDFW does not concur that MM 3.5-7 buffer is sufficient to mitigate for potential significant impacts to SWHA and avoid unauthorized take of the species. As such, CDFW recommends MM 3.5-7 be modified to include the following:

Recommended Mitigation Measure 4: SWHA Surveys Prior to Construction

CDFW recommends that the preconstruction surveys detailed in MM 3.5-7 be conducted within the Project site and a 0.5-mile buffer of the Project site following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000).

Recommended Mitigation Measure 5: SWHA Avoidance Buffer

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum 0.5-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 6: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a 0.5-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

The DEIR also notes that moderate quality SWHA foraging habitat is present throughout the Project site and that foraging habitat would be maintained as 806 acres of the Project site where panel installation will take place would be restored to its original

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vegetation level to the amount feasible. While CDFW acknowledges that site revegetation may result in the site continuing to support some level of SWHA foraging, foraging by SWHA between constructed solar panels has yet to be documented. As such, CDFW recommends MM 3.5-7 be modified to include the following:

Recommended Mitigation Measure 7: SWHA Foraging Habitat Mitigation

As suitable foraging habitat was documented within the Project site, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of $\frac{3}{4}$ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of $\frac{1}{2}$ acre of HM land for each acre of development is advised.

Western Burrowing Owl

The California Fish and Game Commission (FGC) approved burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The DEIR and included BUOW Survey Report provided in Appendix F indicate that the Project site contains suitable BUOW habitat and a number of BUOW, including breeding pairs, were observed along the San Luis Drain and around the PG&E Crescent substation outside of the Project site. In addition to these observations, the Project solar facility, while currently disturbed by agricultural activity, may have the potential for BUOW to occupy the site once agricultural activities have ceased. Currently the DEIR provides MM 3.5-5 to mitigate for potential impacts to BUOW in the Project solar facility boundary, and AMM 18 to mitigate for impacts to BUOW along the PG&E Transmission Line. MM 3.5-5 includes BUOW survey, avoidance, and minimization measures and

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states that inactive burrows would be excavated by hand, and active burrows would have a 100 meter and 50 meter no-disturbance buffer implemented during the breeding and non-breeding season, respectively. AMM 18 includes BUOW avoidance and minimization measures and states that, "If western burrowing owls are present at the site, a qualified biologist will work with O&M staff to determine whether an exclusion zone of 160 feet during the non-nesting season and 250 feet during the nesting season can be established. If it cannot, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls".

CDFW does not concur that MM 3.5-5 and AMM 18 are sufficient to mitigate for potential significant impacts to BUOW and prevent the unauthorized take of the species. In particular, implementation of the no-disturbance buffers outlined in MM 3.5-5 and AMM 18, and excavation measures outlined in MM 3.5-5, would have a strong potential to result in the unauthorized take of the species absent acquisition of an Incidental Take Permit (ITP) for the Project pursuant to Fish and Game Code Section 2081(b). As such, CDFW recommends MM 3.5-5 and AMM 18 be modified to include the following:

Recommended Mitigation Measure 8: BUOW Preconstruction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) be repeated the survey season immediately prior to construction.

Recommended Mitigation Measure 9: BUOW Avoidance Buffer

Should a BUOW or known BUOW burrow (active or inactive) be detected, either during preconstruction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 10: BUOW Take Authorization

If a BUOW or known BUOW burrow (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the

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acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble Bee

The DEIR notes that suitable Crotch's bumble bee (CBB) habitat is present within the PG&E Transmission Line route and MM 3.5-6 is provided to mitigate for potential significant impacts to the species. While CDFW concurs with the portion of MM 3.5-6 that requires preconstruction surveys and the implementation of avoidance buffers around active nests, CDFW recommends the surveys follow the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species document (CDFW 2023), and in the event an active CBB is detected, CDFW be consulted to discuss how to avoid take. If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

Buena Vista Lake Ornate Shrew

The transmission line portion of the Project site is within the known geographic range of Buena Vista Lake ornate shrew (BVLS). BVLS are known to occupy moist habitats with suitable cover, such as salt grasses, and can be found in drier grassland and desert scrub habitat within a few hundred feet of seasonal or permanent water sources. The Fresno Slough and surrounding lands provided suitable grassland and seasonal wetland habitat to support this species. As such, CDFW recommends PG&E implement the following measures within the portions of the PG&E Transmission Line route that occur within suitable BVLS habitat adjacent to Fresno Slough and north of West Kamm Avenue (west of the rail alignment):

Recommended Mitigation Measure 11: BVLS Surveys

Prior to any transmission line related impacts in the above referenced areas, CDFW recommends that a qualified biologist implement an appropriate BVLS survey protocol to assess the presence/absence of BVLS. CDFW recommends that this protocol incorporate focused surveys in all areas of potentially suitable habitat prior to implementation Project activities associated with the PG&E Transmission Line.

Recommended Mitigation Measure 12: BVLS Consultation

If surveys indicate the presence or potential presence of BVLS, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

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Editorial Comments and/or Suggestions

Battery Energy Storage System Evaluation: The proposed Project includes installation of an approximately 140 MW battery energy storage system (BESS) on the Project site. CDFW is aware of recent catastrophic fires resulting from lithium-ion BESS operations at BESS facilities within California. As such, these BESS systems warrant a careful evaluation for potential fire-related impacts to biological resources within and surrounding the Project site. Lithium-ion BESS fires can release an array of toxic chemicals into the air (Mylenbusch et al. 2023). In addition to potential human health concerns, these emissions may also impact air quality for nearby wildlife, and harmful particulate matter may settle into soils or waterways, possibly affecting soil-dwelling organisms, burrowing mammals, and aquatic life. Concentrations of toxic gases and particulates may be highest in the immediate vicinity of the fire, and the risk of explosion exists, making the area hazardous for firefighters. Further, the use of water for fire suppression is not always appropriate and may exacerbate the fire.

As such, CDFW recommends a thorough analysis of the BESS component of the Project to evaluate the potential impacts of a catastrophic BESS fire on biological resources within and surrounding the Project site. CDFW recommends the evaluation detail the Project-specific measures that would be implemented to reduce the risk of catastrophic fire, and to carefully consider BESS siting, spacing, battery life and degradation, and the most appropriate fire protection/suppression system.

Lake and Streambed Alteration: The PG&E Transmission Line work area contains numerous potential streams and associated hydrologic features including the Fresno slough. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Currently, MM 3.5-8 is proposed to mitigate for potential impacts to streams and associated hydrologic features and requires submittal of a Habitat Restoration Plan to CDFW for written approval at least 30 days prior to completion of Project activities. CDFW would like to note that any plan approvals associated with impacts to streams

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and associated hydrologic features would be determined during the Fish and Game Code section 1602 notification process.

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

The BRE notes that several species of nesting birds were observed within the Project Site, including the State species of special concern northern harrier (*Circus cyaneus*) and loggerhead shrike (*Lanius ludovicianus*), and the State watch list prairie falcon (*Falco mexicanus*). The DEIR currently includes MM 3.5-7 for potential impacts to nesting birds within the Project site and states the typical avoidance buffers around active nests are 250 feet for non-listed passerine species and 500 feet for non-listed raptor species. CDFW recommends adhering to these buffers unless there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

CNDDDB: Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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 CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address:

CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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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 DEIR to assist Fresno County in identifying and mitigating Project impacts on biological resources.

If you have any questions, please contact Ren Cotter, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 767-0956 or by electronic mail at Ren.Cotter@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment (MMRP)

ec: **State Clearinghouse**
Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

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REFERENCES

- California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2019. Approved survey methodology for the blunt-nosed leopard lizard. California Department of Fish and Game, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2023. Survey considerations for California endangered species act candidate bumble bee species. Sacramento, California, USA.
- Mylenbusch, I., K. Claffey, and B. Chu. Hazards of lithium-ion battery energy storage systems (BESS), mitigation strateies, minimum requirements, and best practices. Process Safety Progress, 2023:1–10.
- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.
- Tennant, E., D. Germano, J. Stewart, H. Butterfield, and M. Westphal. 2018. Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department ecological reserves. California Department of Fish and Wildlife, Sacramento, California, USA.

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

**PROJECT: Rosemary Solar and Energy Storage System Complex by
Rosemary Solar, LLC**

SCH No.: 2024110253

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Project Site PG&E Transmission Line Area	
BNLL	
Recommended Mitigation Measure 1: BNLL surveys	
Recommended Mitigation Measure 3: BNLL Take Consultation	
SWHA	
Recommended Mitigation Measure 4: SWHA preconstruction focused survey	
Recommended Mitigation Measure 6: SWHA Take Consultation	
Recommended Mitigation Measure 7: SWHA Foraging Habitat Mitigation	
BUOW	
Recommended Mitigation Measure 8: BUOW surveys prior to construction	
Recommended Mitigation Measure 10: BUOW take authorization	
BVLS	
Recommended Mitigation Measure 11: BVLS surveys	
Recommended Mitigation Measure 12: BVLS Consultation	
<i>During Construction</i>	
Project Site and PG&E Transmission Line	
BNLL	
Recommended Mitigation Measure 2: BNLL avoidance buffer	
SWHA	
Recommended Mitigation Measure 5: SWHA avoidance buffer	
BUOW	
Recommended Mitigation Measure 9: BUOW avoidance buffer	