



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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September 29, 2025

Alexander Pretzer, Planner
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Subject: **San Luis West Solar Project (Project)**
Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2024110679

Dear Alexander Pretzer:

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: San Luis West Solar, LLC

Objective: The Project proposes to construct and operate a 125-megawatt (MW) photovoltaic solar power generation facility with an estimated 30-MW battery energy storage system (BESS). The 770-acre facility would also include the Project substation, an operations and maintenance building, and overhead and underground medium voltage collection lines.

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Location: The Project would be located on approximately 1,100 acres of private land in southwestern Fresno County. Project parcels are within Assessor Parcel Numbers (APNs) 075-070-54S, 078-060-85S, 078-080-55, 085-050-01S, 085-050-47S, 085-050-48S, and 085-050-84S, and the gen-tie line is within APNs 075-070-28, 075-070-29, 075-070-30, 075-070-31, 075-070-46S, 075-070-47S, and 075-070-48S. The Project site is immediately west of the California Aqueduct, approximately 1.3 miles east of Interstate 5 (1-5), and approximately 3 miles south of the community of Huron. The Project site is intersected north to south by State Route (SR) 269 (Lassen Avenue) and east to west by W Jayne Avenue.

Timeframe: Construction is anticipated to begin in early 2026 and will require approximately nine months to complete. The facility will become operational by December 31, 2026.

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).

Aerial imagery of the Project boundary and its surroundings show the area contains mostly agricultural habitats including tilled row crops, orchards, vineyards, fallow fields, and irrigation ponds. Based on a review of the Project description, California Natural Diversity Database (CNDDDB) records, the Biological Resources Evaluation (BRE) included in the DEIR, and aerial imagery, several special-status species could potentially be impacted by Project activities.

Currently, the DEIR acknowledges that the Project area 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 candidates western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*).

Western Burrowing Owl

The California Fish and Game Commission (FGC) approved western 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

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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 BRE state that BUOW are likely to occur within the Project Site. Additionally, the BUOW Survey Report included with the DEIR as Appendix H, indicates that a number of potential burrows, as well as potential sign of BUOW were both observed within the Project Site. Currently the DEIR provides Mitigation Measure (MM) BIO-1 to mitigate for potential impacts to BUOW. MM BIO-1 proposes that if full avoidance of BUOW is not feasible that the Project will implement a passive relocation plan.

CDFW appreciates the County incorporating CDFW's previously recommended mitigation measures into the DEIR; however, passive relocation of BUOW, as currently proposed in MM BIO-1, may result in take of the species. As such, CDFW recommends MM BIO-1 be updated to include the following:

Recommended Mitigation Measure 1: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation (CDFW 2012) 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 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 BRE indicates that Crotch's Bumble Bee (CBB) has moderate potential to occur within the Project Site. Additionally, the BRE states that the areas adjacent to the Project site contain willow and buckwheat, which are known potential foraging habitat for CBB, and that a number of small mammal burrows were observed within the Project site. However, the DEIR did not include results from focused CBB surveys or propose mitigation measures to reduce potential Project related impacts to less than significant for the species. As the Project Site is within the geographic range for CBB and suitable habitat has been identified within the Project Site and surrounding areas, CDFW recommends the following:

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Recommended Mitigation Measure 2: CBB Surveys Prior to Construction

CDFW recommends that focused surveys be conducted over all areas of potential CBB habitat during the blooming period immediately prior to construction, following the full protocol outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) guidance document.

Recommended Mitigation Measure 3: CBB Avoidance Buffer

If CBB is detected, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 4: CBB Take Authorization

If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Editorial Comments and/or Suggestions

Battery Energy Storage System Evaluation: The proposed Project includes installation of an approximately 30 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 the FEIR include a thorough analysis of the BESS component of the Project and evaluate the potential impacts of a catastrophic BESS fire on biological resources. CDFW recommends the evaluation detail the Project-specific measures that would be implemented to reduce the risk of catastrophic fire, and to

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carefully consider BESS siting, spacing, battery life and degradation, and the most appropriate fire protection/suppression system.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate

the impacts of this Project's incremental contribution to habitat loss and past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis.

CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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*). The DEIR currently provides Mitigation Measure BIO-5 for potential impacts to nesting birds and CDFW concurs with this measure and recommends it be carried forward to the FEIR.

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.

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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>.

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)

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

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REFERENCES

- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2024. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 5 December 2024.
- 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 strategies, minimum requirements, and best practices. *Process Safety Progress*, 2023:1–10.

Attachment 1

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

PROJECT: San Luis West Solar Project by San Luis West Solar, LLC

SCH No.: 2024110679

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
BUOW	
Recommended Mitigation Measure 1: BUOW Take Authorization	
CBB	
Recommended Mitigation Measure 2: CBB Surveys Prior to Construction	
Recommended Mitigation Measure 4: CBB Take Authorization	
<i>During Construction</i>	
CBB	
Recommended Mitigation Measure 3: CBB Avoidance Buffer	