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GAVIN NEWSOM, Governor
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June 11, 2025

Soyeon Choi
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
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**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE 230TH STREET
SOLAR PROJECT, SCH NO. 2025050245, CITY OF LANCASTER, LOS
ANGELES COUNTY**

Dear Soyeon Choi:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the 230th Street Solar Project (Project), which has been proposed by Los Angeles County Department of Regional Planning (Lead Agency; County) on behalf of RPCA Solar 12, LLC (Project proponent).

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's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 State fish and wildlife resources.

CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as

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Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 2 of 19

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.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the County obtain appropriate authorization under the Fish and Game Code.

Project Summary

Project Proponent: RPCA Solar 12, LLC.

Objective: According to the MND, the proposed Project includes construction and operation of ground-mounted photovoltaic (PV) solar panels and a battery energy storage system (BESS) facility that would generate up to 4.99 megawatts (MW) of alternating current. The Project would consist of the following components: PV solar modules, BESS, underground electrical conductors, balance of system equipment, access roads, and fencing. The Project would tie into an existing electrical distribution system (owned by Southern California Edison), which is located southwest of and adjacent to the Project site along 230th Street W.

Site access for the 230th Solar Facility would be provided via the construction of a new driveway connecting to 230th Street W, a public roadway located along the western boundary of the Project site. The driveway entrance would be surfaced with gravel, transitioning to compacted native soil beyond the entrance to minimize soil disturbance while maintaining vehicular functionality.

The Project includes the development of new on-site access roads, which would:

- Encircle the entire solar array to ensure full perimeter accessibility;
- Bisect the site in a west-to-east orientation, providing a direct internal connection from the driveway entrance on 230th Street W to the eastern boundary of the Project site;
- Provide direct access to the BESS facility located within the Project area; and,
- Ensure that no PV solar panel is located more than 175 feet from a fire access road, enhancing emergency response capability.

A 10,000-gallon water tank would also be installed adjacent to the BESS and access gate on the southern side of the Project site. The water tank would have a supply outlet of 2.5 inches in diameter. The supply outlet is to be located 14 to 24 inches above the finished grade and is required to be protected by approved barricades. To mitigate a potential increase in runoff flows, an infiltration retention basin will be built on the Project site with an approximate volume of 42,336 cubic feet.

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 3 of 19

Location: According to the MND, the Project would occupy approximately 31 acres of a 39-acre parcel (Los Angeles County Assessor Parcel Number 3278-025-001). The Project site is generally located at 49560 230th Street W, near the community of Lancaster.

Biological Setting:

The Project site primarily consists of undeveloped desert habitat located near rural residences and existing solar developments. Vegetation on-site includes cheatgrass grassland (*Bromus tectorum*), inactive agricultural and ruderal land, and rubber rabbitbrush scrub (*Ericameria nauseosa*) that has naturally recolonized since agricultural activities ceased.

Several special-status species have a moderate potential to occur in the vicinity, including Crotch’s bumble bee (*Bombus crotchii*), burrowing owl (*Athene cunicularia*), Swainson’s hawk (*Buteo swainsoni*), LeConte’s thrasher (*Toxostoma lecontei*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), ferruginous hawk (*Buteo regalis*), greater roadrunner (*Geococcyx californianus*), mountain bluebird (*Sialia currucoides*), prairie falcon (*Falco mexicanus*), short-eared owl (*Asio flammeus*), and western meadowlark (*Sturnella neglecta*). Additionally, several common native and nonnative bird species such as white-crowned sparrow (*Zonotrichia leucophrys*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), California quail (*Callipepla californica*), mourning dove (*Zenaida macroura*), and red-tailed hawk (*Buteo jamaicensis*) may nest or forage within or near the site.

Two special-status mammal species—the American badger (*Taxidea taxus*), a California Species of Special Concern (SSC), and the desert kit fox (*Vulpes macrotis arsipus*) which is protected by Title 14, section 460 of the California Code of Regulations (furbearing mammals)—have low potential to occur on the Project site.

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. Editorial comments or other suggestions may also be included to improve the document.

Comment #1: Impacts to Raptors and Sensitive Species

Issue: The Project may impact raptors and sensitive species protected under CESA or designated as an SSC.

Specific impacts: Several sensitive species have been regularly observed nesting and foraging throughout the Palmdale and Lancaster area. The Project may potentially result in the loss of foraging and nesting habitat for CESA-listed Swainson’s hawk, and CESA candidate listed burrowing owl and Crotch’s bumble bee. The Project may also

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 4 of 19

impact the following SSCs: loggerhead shrike, LeConte's thrasher, mountain plover, ferruginous hawk, prairie falcon, short-eared owl, and American badger. Project activities may result in a loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, a significant impact on these imperiled species. The Project may also result in a loss of breeding and/or foraging habitat.

Why impacts would occur: The Project area contains suitable habitat and recent documented occurrences of some of these sensitive species. Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. The Mitigation Measures proposed in the MND (i.e., MM BIO-1, MM BIO-2, MM BIO-6, MM BIO-8, and MM BIO-9) may not (1) provide a sufficiently large buffer to avoid take, (2) commit adequate mitigation for the Project (particularly if take occurs), (3) adopt specific performance standards the mitigation will achieve, and/or (4) identify the type(s) of potential action(s) that can feasibly achieve the performance standard(s) that will be considered, analyzed, and potentially incorporated in the mitigation measure (CEQA Guidelines, § 15126.4).

Evidence impacts would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5.

An 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 as under the Endangered Species Act, but not CESA-, 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 the species for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 5 of 19

factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2025).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC's which can be shown to meet the criteria for State listing. These SSC's meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC's could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures could result in continual substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Swainson's Hawk

CDFW released guidance for Swainson's hawk entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). CDFW recommends conducting focused surveys for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental document.

CDFW recommends the addition of the following underlined language to MM BIO-2:

MM BIO-2: If maintaining appropriate avoidance buffers is infeasible, the Lead Agency/Project proponent shall coordinate with CDFW prior to working within the area(s) to determine next steps, which may include additional surveys to determine baseline behavior of the individual and whether nesting is occurring on the site. Consultation shall occur with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a take authorization prior to any activity that may result in take of CESA-protected species.

Burrowing Owl

According to the MND, "...Rincon biologists performed a protocol-level burrowing owl (BUOW) survey on April 3, 2025 according to the CDFW 2012 *Staff Report on Burrowing Owl Mitigation*. No burrows of suitable size (4 inches or greater) were observed during the survey, and no BUOW were detected. Nevertheless, even with the low potential for BUOW to occur on the Project Site, the Project would implement pre-construction surveys and avoidance measures specific to BUOW" (p. 34).

CDFW recommends that MM BIO-6 is revised to incorporate the underlined language for burrowing owl and omit the language in strikethrough:

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 6 of 19

MM-BIO-6: A qualified biologist shall conduct surveys in accordance with protocols currently accepted by CDFW following the California Burrowing Owl Consortium's (CBOC) Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) during the survey season immediately prior to construction and decommissioning to assess the presence of burrowing owl on or adjacent to the site.

Should burrowing owl individuals or sign at burrows (e.g., whitewash, feathers, pellets, etc.) be detected on the site at any time during construction or decommissioning, including during any pre-construction surveys, work shall stop within 500 meters of the individual or burrow during the breeding season (February 1 – August 31), and within 50 meters of the individual or burrow during the non-breeding season (September 1 – January 31). If burrowing owl or their signs are observed, the County shall report the observation to CDFW through an entry in CNNDDB and develop a site-specific plan to avoid impacts on burrowing owl. If maintaining the avoidance buffers is infeasible, CDFW shall be notified to determine next steps, which may include additional surveys to determine baseline behavior of the individual and whether nesting is occurring on the site, and ~~of~~ consultation shall occur with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have take authorization prior to any activity that may result in take of CESA-protected species. ~~to determine whether an Incidental Take Permit for burrowing owl is warranted for the Project duration~~

Crotch's Bumble Bee

According to the MND, “A protocol survey pass was performed on April 21, 2025, by two qualified Rincon biologists, each possessing a Memorandum of Understanding to perform surveys for Crotch's bumble bee. No Crotch's bumble bees were observed. Accordingly, there is low potential for Crotch's bumble bee to occur on the Project Site. Nevertheless, the County would implement MM BIO-9 to minimize potential impacts to Crotch's bumble bee” (p. 35).

CDFW recommends that MM BIO-9 is revised to incorporate the underlined language for Crotch's bumble bee and omit the language in strikethrough:

MM-BIO-9: A qualified biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall perform protocol surveys following the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) shall be performed during the appropriate flying season prior to construction to determine if Crotch's bumble bee is present on the Project site. If no Crotch's bumble bees are detected on the site, no further mitigation will be required. Survey results, including negative findings, shall be submitted to CDFW prior to implementing ground-disturbing activities.

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 7 of 19

Nesting Birds

A temporary halt of Project activities within buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat and tree loss. Effective mitigation is necessary to compensate for the long-term and temporal loss of ecological function, including permanent removal of nesting and foraging habitat. To ensure habitat and tree losses are sufficiently offset, mitigation should be designed to replace or enhance habitat of equal or greater ecological value, based on acreage of impact, tree loss, quality and composition of vegetation, and conservation status of the wildlife species affected.

CDFW recommends that MM BIO-1 is revised to incorporate the underlined language and omit the language in strikethrough:

MM BIO-1: To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and California Fish and Game Code, activities related to the Project construction and decommissioning, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through September 15 (as early as January 1 for some raptors)) (~~February 1 through August 31~~) to the extent feasible. If construction or decommissioning must begin within the breeding season, then a nesting bird survey shall be conducted no more than seven (7) working days prior to initiation of ground disturbance and vegetation-removal activities. The nesting bird survey shall be conducted within the Project area, plus a 500 ~~300~~-foot buffer (~~250-foot for raptors and 0.50-mile for Swainson's hawk~~), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California desert communities. Construction and decommissioning phasing and/or a lapse in work activity during the nesting season may require subsequent nesting surveys by the biologist. A report of the nesting bird survey findings will be provided to the County.

If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary that provides adequate marking but does not disturb the nest itself. All construction personnel (and CDFW depending on the species) shall be notified as to the existence of the buffer zone and instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. The active nests shall be monitored for a minimum of one hour for passerines and three hours for raptors to determine a baseline of behavior, and shall be avoided by a sufficient buffer, to be determined by the qualified biologist, based on species and

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 8 of 19

Project activities in the vicinity of the nest. After the initial baseline monitoring event, the nest shall be monitored once weekly to determine the stage of the nest. The buffer shall remain in place until the young have fledged or the nest is inactive, to be determined by the qualified biologist.

A memorandum shall be prepared at the conclusion of surveys to be submitted to Los Angeles County and CDFW. The memorandum shall include graphics and figures as necessary to support the results of the survey.

Comment #2: MM BIO-10 Vegetation and Revegetation

Issue: The Project will have impacts to vegetation communities, including cheat grass grassland, rubber rabbitbrush scrub, and small patches of native wildflowers such as California poppy (*Eschscholzia californica*) and yellowray goldfields (*Lasthenia glabrata*), which provide important nesting and foraging habitat for wildlife and avian species.

Specific impacts: Project activities such as the vegetation clearing and grading may eliminate or reduce habitat used by wildlife for nesting, foraging and cover, especially for species that rely on native vegetation structure and small mammal burrows observed throughout the site. The removal and degradation of these plant communities may cause long-term loss of ecological function across the site.

Why impacts would occur: According to the MND, the Project likely supports local movement patterns and provides food and cover resources for common wildlife species. In addition, small mammal burrows have been observed throughout the Project site suggesting active use by ground-dwelling species.

Evidence impacts would be significant: The traditional method of solar construction is “blade and grade” which involves blading vegetation and grading resulting in compaction of the soil. According to Karban et al. (2024), construction practices often include the removal of all native vegetation with “blade and grade”, eliminating breeding, foraging, shelter, for ground-dwelling species and eliminates migratory stop-over habitats of avian species. Per CEQA Guidelines, section 15065 (a), a project may have a significant effect on biological resources if the project substantially reduces the habitat of a fish or wildlife species; threatens to eliminate a plant community; or has the potential to restrict the range of endangered, rare, or threatened species.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: The implementation of MM BIO-10 does not constitute effective mitigation for the purposes of offsetting Project impacts associated with the loss of nesting and foraging habitat. CDFW recommends the Project proponent consider an alternative construction method instead of the traditional “blade and grade” method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact (“drive and crush”). Leaving vegetation crushed with the “drive and crush”

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 9 of 19

method, leaves roots intact and allows vegetation to more successfully regenerate. This alternative construction method can create an opportunity for vegetation to be left between panel rows and elsewhere to provide some habitat for desert-dwelling avian species and ameliorate some habitat effects (Karban et al. 2024).

Recommendation #2: To offset the loss of vegetation, CDFW recommends the County include landscape buffers for the Project along the northern and eastern boundaries of the Project site. The Project, as currently proposed, only considers buffers along the western and southern boundaries.

Recommendation #3: CDFW recommends the County's proposed planting palette for the landscape buffer and for the revegetation of decommissioning include species endemic to the region, such as California poppy, yellowray goldfields, desert saltgrass (*Distichlis spicata*), deerweed (*Acmispon glaber*), desert milkweed (*Asclepias erosa*), Acton encelia (*Encelia actoni*), Prince's plume (*Stanleya pinnata*), Nevada ephedra (*Ephedra nevadensis*), winter fat (*Krascheninnikovia lanata*), and rubber rabbishbrush (*Ericameria nauseosa*).

Recommendation #4: CDFW recommends the County develop a weed management plan for the Project area and implement it during construction and throughout the life of the Project. Soil disturbance, such as mowing or vegetation clearing around the PV solar panels, promote the establishment of non-native weeds. Non-native weeds should be prevented from becoming established during and after construction to control the spread of invasive plants. The Project area should be monitored (via mapping) for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring the potential spread of invasive weeds onto adjacent lands should also be included.

Recommendation #5: CDFW recommends that any irrigation proposed by the County for the landscape buffers, routine PV solar panel washing, or for the revegetation of decommissioning drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. Irrigation should only be used if an individual plant is stressed and it should be limited to the first year (in the installation phase). Temporary or permanent irrigation should not be installed, because only individual plants under stress should be targeted for watering. Hand watering is preferred. If a temporary irrigation system must be installed it should not be connected to a water source and should not be on a timer. The water source (water truck) should only be connected to the irrigation system while it is in use. A system left on a timer should never be used as this creates an unnatural hydrologic regime and more robust growth than would normally be supported by the existing site.

Mitigation and Monitoring Reporting Plan

CDFW recommends the County adopt the mitigation measures and recommendations in this letter into the MND. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, §

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 10 of 19

21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the County in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code, section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1).

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database (CNDDDB)) which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, sub. (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 filled out and submitted online (CDFW 2024b). Please visit CDFW online to access [the types of information reported to CNDDDB](#). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2025)

Filing Fees

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

Conclusion

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. To ensure significant impacts are adequately mitigated to a level less-than-significant, the feasible mitigation measures described above should be incorporated as enforceable conditions in the MND for the Project. CDFW requests an opportunity to review and comment on any

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 11 of 19

response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be directed to Mary Ngo, Senior Environmental Scientist (Specialist), at Mary.Ngo@wildlife.ca.gov or (562) 292-8105 to schedule a meeting with CDFW.

Sincerely,

DocuSigned by:

DF423498814B441...
Heather A. Pert
Environmental Program Manager
South Coast Region

Attachments

Attachment A: Draft Mitigation and Monitoring Plan

ec: California Department of Fish and Wildlife
Baron Barrera, Senior Environmental Scientist (Supervisory)
Felicia Silva, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

Office of Planning and Research
State Clearinghouse – State.Clearinghouse@opr.ca.gov

References

- [CDFW] California Department of Fish and Wildlife. 2025. Species of Special Concern. Available from: <https://wildlife.ca.gov/Conservation/SSC>
- [CDFW] California Department of Fish and Wildlife. 2024a. [Lake and Streambed Alteration Program](#).
- [CDFW] California Department of Fish and Wildlife. 2024b. [Submitting Data to the CNDDDB](#).
- [CDFW] California Department of Fish and Wildlife. June 2, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>
- Karban, C. C., Lovich, J. E., Grodsky, S. M., & Munson, S. M. (2024). Predicting the effects of solar energy development on plants and wildlife in the Desert Southwest, United States. *Renewable and Sustainable Energy Reviews*, 205, 114823.

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 12 of 19

Mitigation and Monitoring Reporting Plan	Timing	Responsible Party
<p>MM BIO-1 Nesting Bird Surveys. To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the Project construction and decommissioning, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 31) to the extent feasible. If construction or decommissioning must begin within the breeding season, then a nesting bird survey shall be conducted no more than seven (7) working days prior to initiation of ground disturbance and vegetation-removal activities. The nesting bird survey shall be conducted within the Project area, plus a 300-foot buffer (250-foot for raptors and 0.50-mile for Swainson’s hawk), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California desert communities. Construction and decommissioning phasing and/or a lapse in work activity during the nesting season may require subsequent nesting surveys by the biologist. A report of nesting bird survey findings will be provided to the County. Nesting bird surveys shall not required during O&M activities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary that provides adequate marking but does not disturb the nest itself. All construction personnel shall be notified as to the existence of the buffer zone and instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. The active nests shall be monitored for a minimum of one hour for passerines and three hours for raptors to determine a baseline of behavior, and shall be avoided by a sufficient buffer, to be determined by the qualified biologist, based on species and Project activities in the vicinity of the nest. After the initial baseline monitoring event, the nest shall be monitored once weekly to</p>	<p>Prior to finalizing CEQA document; Prior to construction; and, Prior to decommissioning</p>	<p>Lead Agency; and, Project Proponent</p>

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 13 of 19

determine the stage of the nest. The buffer shall remain in place until the young have fledged or the nest is inactive, to be determined by the qualified biologist. A memorandum shall be prepared at the conclusion of surveys to be submitted to Los Angeles County. The memorandum shall include graphics and figures as necessary to support the results of the survey.

CDFW recommends that MM BIO-1 is revised to incorporate the underlined language and omit the language in strikethrough:

MM BIO-1: To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and California Fish and Game Code, activities related to the Project construction and decommissioning, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through September 15 (as early as January 1 for some raptors)) (February 1 through August 31) to the extent feasible. If construction or decommissioning must begin within the breeding season, then a nesting bird survey shall be conducted no more than seven (7) working days prior to initiation of ground disturbance and vegetation-removal activities. The nesting bird survey shall be conducted within the Project area, plus a 500 300-foot buffer (250-foot for raptors and 0.50-mile for Swainson’s hawk), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California desert communities. Construction and decommissioning phasing and/or a lapse in work activity during the nesting season may require subsequent nesting surveys by the biologist. A report of the nesting bird survey findings will be provided to the County.

If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary that provides adequate marking but does not disturb the nest itself. All construction personnel (and CDFW depending on the species) shall be notified as to the existence of the buffer zone and instructed to avoid

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 14 of 19

<p>entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. The active nests shall be monitored for a minimum of one hour for passerines and three hours for raptors to determine a baseline of behavior, and shall be avoided by a sufficient buffer, to be determined by the qualified biologist, based on species and Project activities in the vicinity of the nest. After the initial baseline monitoring event, the nest shall be monitored once weekly to determine the stage of the nest. The buffer shall remain in place until the young have fledged or the nest is inactive, to be determined by the qualified biologist.</p> <p>A memorandum shall be prepared at the conclusion of surveys to be submitted to Los Angeles County <u>and CDFW</u>. The memorandum shall include graphics and figures as necessary to support the results of the survey.</p>		
<p>MM BIO-2 Swainson’s Hawk. If active Swainson’s hawk nests are detected within the 0.5 mile buffer, they shall be monitored for a minimum of three hours to determine a baseline of behavior and shall be avoided by a minimum 0.25-mile buffer. After this initial baseline monitoring event, the nest shall be monitored once weekly, including at the initiation of construction activity, to determine the stage of the nest. The nest shall be monitored for at least two hours each week between 7:00 a.m. and 10:00 a.m., and notes on adult behaviors, presumed stage and number of young, and any other breeding behaviors (e.g., copulation, prey deliveries) shall be kept in a field notebook or digital field data collection application. If construction activity is determined to be disturbing the birds, the monitor may increase the buffer width as necessary to alleviate the disturbance. The buffer shall remain in place until the young have fledged or the nest is inactive, to be determined by the qualified biologist.</p> <p>CDFW recommends the addition of the following underlined language to MM BIO-2:</p>	<p>Prior to finalizing CEQA document;</p> <p>Prior to construction; and,</p> <p>Prior to decommissioning</p>	<p>Lead Agency; and, Project Proponent</p>

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 15 of 19

<p>MM BIO-2: <u>If maintaining appropriate avoidance buffers is infeasible, the Lead Agency/Project proponent shall coordinate with CDFW prior to working within the area(s) to determine next steps, which may include additional surveys to determine baseline behavior of the individual and whether nesting is occurring on the site. Consultation shall occur with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a take authorization prior to any activity that may result in take of CESA-protected species.</u></p>		
<p>MM BIO-6 Burrowing Owl Avoidance. A qualified biologist shall conduct surveys following the California Burrowing Owl Consortium’s (CBOC) Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) during the survey season immediately prior to construction and decommissioning to assess the presence of burrowing owl on or adjacent to the site. Should burrowing owl individuals or sign at burrows (e.g., whitewash, feathers, pellets, etc.) be detected on the site at any time during construction or decommissioning, including during any pre construction surveys, work shall stop within 500 meters of the individual or burrow during the breeding season (February 1 – August 31), and within 50 meters of the individual or burrow during the non-breeding season (September 1 – January 31). If maintaining the avoidance buffers is infeasible, CDFW shall be notified to determine next steps, which may include additional surveys to determine baseline behavior of the individual and whether nesting is occurring on the site, and/or consultation to determine whether an Incidental Take Permit for burrowing owl is warranted for the Project duration.</p> <p>CDFW recommends that MM BIO-6 is revised to incorporate the underlined language for burrowing owl and omit the language in strikethrough:</p> <p>MM-BIO-6: A qualified biologist shall conduct surveys <u>in accordance with protocols currently accepted by CDFW</u> following the California Burrowing Owl Consortium’s (CBOC) Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) during the survey season immediately prior to construction and</p>	<p>Prior to finalizing CEQA document; Prior to construction; and, Prior to decommissioning</p>	<p>Lead Agency; and, Project Proponent</p>

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 16 of 19

<p>decommissioning to assess the presence of burrowing owl on or adjacent to the site.</p> <p>Should burrowing owl individuals or sign at burrows (e.g., whitewash, feathers, pellets, etc.) be detected on the site at any time during construction or decommissioning, including during any pre-construction surveys, work shall stop within 500 meters of the individual or burrow during the breeding season (February 1 – August 31), and within 50 meters of the individual or burrow during the non-breeding season (September 1 – January 31). <u>If burrowing owl or their signs are observed, the County shall report the observation to CDFW through an entry in CNNDDB and develop a site-specific plan to avoid impacts on burrowing owl.</u> If maintaining the avoidance buffers is infeasible, CDFW shall be notified to determine next steps, which may include additional surveys to determine baseline behavior of the individual and whether nesting is occurring on the site, and/or consultation <u>shall occur with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.).</u> <u>The project proponent shall have take authorization prior to any activity that may result in take of CESA-protected species.</u> to determine whether an Incidental Take Permit for burrowing owl is warranted for the Project duration</p>		
<p>MM BIO-9 Crotch’s bumble bee. Protocol surveys following the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) shall be performed prior to construction to determine if Crotch’s bumble bee is present on the Project Site. If no Crotch’s bumble bees are detected on the site, no further mitigation would be required.</p> <p>If this species is detected foraging within 100 feet of the Project Site (where accessible), nesting surveys shall be conducted to identify active colonies. If an active nest is observed on the Project Site, the nest shall be avoided by a 50-foot buffer. The nest shall be monitored daily by the qualified biologist (for at least 2 hours between 7:00 am and 11:00 am) and the following shall be implemented:</p>	<p>Prior to finalizing CEQA document;</p> <p>Prior to construction; and,</p> <p>Prior to decommissioning</p>	<p>Lead Agency; and, Project Proponent</p>

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 17 of 19

<p>• If “take” or adverse impacts to Crotch’s bumble bee cannot be avoided either during Project construction activities or over the life of the Project, the Project proponent shall consult with CDFW regarding the potential need for take authorization pursuant to Fish and Game Code Section 2081 subdivision (b).</p> <p>• Any floral resource associated with Crotch’s bumble bee (i.e. specific plant species that Crotch’s bumble bee is observed foraging on) that will be removed or damaged by the Project shall be replaced at a 1:1 ratio or as otherwise determined during any ITP application process. Floral resources shall be replaced as close to their original location as is feasible after the Project is constructed. These floral resources shall be maintained during the life of the Project and shall be replanted and managed as needed to ensure the habitat is preserved.</p> <p>CDFW recommends that MM BIO-9 is revised to incorporate the underlined language for Crotch’s bumble bee:</p> <p><u>MM-BIO-9: A qualified biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch’s bumble bee, shall perform protocol surveys following the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) shall be performed during the appropriate flying season prior to construction to determine if Crotch’s bumble bee is present on the Project site. If no Crotch’s bumble bees are detected on the site, no further mitigation will be required. Survey results, including negative findings, shall be submitted to CDFW prior to implementing ground-disturbing activities.</u></p>		
<p>Recommendation #1: The implementation of MM BIO-10 does not constitute effective mitigation for the purposes of offsetting Project impacts associated with the loss of nesting and foraging habitat. CDFW recommends the Project proponent consider an alternative construction method instead of the traditional “blade and grade” method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact (“drive and crush”). Leaving vegetation crushed with the “drive and crush” method, leaves roots intact and allows vegetation to more successfully regenerate. This alternative construction</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>

Soyeon Choi
 Los Angeles County Department of Regional Planning
 June 11, 2025
 Page 18 of 19

<p>method can create an opportunity for vegetation to be left between panel rows and elsewhere to provide some habitat for desert-dwelling avian species and ameliorate some habitat effects (Karban et al. 2024).</p>		
<p>Recommendation #2: To offset the loss of vegetation, CDFW recommends the County include landscape buffers for the Project along the northern and eastern boundaries of the Project site. The Project, as currently proposed, only considers buffers along the western and southern boundaries.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #3: CDFW recommends the County’s proposed planting palette for the landscape buffer and for the revegetation of decommissioning include species endemic to the region, such as California poppy, yellowray goldfields, desert saltgrass (<i>Distichlis spicata</i>), deerweed (<i>Acmispon glaber</i>), desert milkweed (<i>Asclepias erosa</i>), Acton encelia (<i>Encelia actoni</i>), Prince's plume (<i>Stanleya pinnata</i>), Nevada ephedra (<i>Ephedra nevadensis</i>), winter fat (<i>Krascheninnikovia lanata</i>), and rubber rabbishbrush (<i>Ericameria nauseosa</i>).</p>	<p>Prior to finalizing CEQA document; and, During the life of the Project</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Recommendation #4: CDFW recommends the County develop a weed management plan for the Project area and implement it during construction and throughout the life of the Project. Soil disturbance, such as mowing or vegetation clearing around the PV solar panels, promote the establishment of non-native weeds. Non-native weeds should be prevented from becoming established during and after construction to control the spread of invasive plants. The Project area should be monitored (via mapping) for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring the potential spread of invasive weeds onto adjacent lands should also be included.</p>	<p>Prior to finalizing CEQA document; During the life of the Project; and, Prior to project decommissioning</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Recommendation #5: CDFW recommends that any irrigation proposed by the County for the landscape buffers, routine PV solar panel washing, or for the revegetation of decommissioning drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. Irrigation should only be used if an individual plant is stressed and it should be limited to the first year (in the installation phase).</p>	<p>Prior to finalizing CEQA document; During the life of the Project; and,</p>	<p>Lead Agency; and, Project Proponent</p>

Soyeon Choi
Los Angeles County Department of Regional Planning
June 11, 2025
Page 19 of 19

<p>Temporary or permanent irrigation should not be installed, because only individual plants under stress should be targeted for watering. Hand watering is preferred. If a temporary irrigation system must be installed it should not be connected to a water source and should not be on a timer. The water source (water truck) should only be connected to the irrigation system while it is in use. A system left on a timer should never be used as this creates an unnatural hydrologic regime and more robust growth than would normally be supported by the existing site.</p>	<p>Prior to project decommissioning</p>	
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