



Appendix C-2

Biological Resources Supplemental Memorandum



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Ryan Nyberg, Permitting Manager
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Via email: ryan@renewprop.com

Subject: Biological Resources Supplemental Memorandum for the 230th Street Solar Project in Los Angeles County, California

Dear Ryan:

This memorandum has been prepared to address a second round of comments received from the County of Los Angeles (County) on February 27, 2025, regarding the Initial Study/Mitigated Negative Declaration (IS/MND) and Biological Resources Assessment (BRA) for the 230th Street Solar Project (Project) in Los Angeles County, California.

A BRA was prepared by Kleinfelder¹ in February 2023. This assessment included a desktop review of available databases that manage records of known biological resources in the vicinity of the approximate 29-acre Project area, such as the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) Inventory of Rare Plants (online version), among others. In addition, a field survey was conducted on the site to verify existing conditions and assess the potential for special-status plant and wildlife species and sensitive biological resources to occur, and the potential effects to these biological resources due to construction and operation of the Project. This assessment was prepared to support the analysis contained in the IS/MND in accordance with the California Environmental Quality Act (CEQA).

Kimley-Horn integrated the BRA results into the IS/MND and submitted the IS/MND to the County for review on June 20, 2024. An initial round of comments from the County was received in August 2024. These comments were addressed in October 2024 and the IS/MND was resubmitted to the County for a second review at that time. This letter is to address comments received from the County on February 27, 2025, during the second review of the IS/MND.

¹ The Kleinfelder biologists who prepared the BRA are now employed by Rincon Consultants.



Summary of Comments on the ISMND to be Addressed in this Memo

The County provided the following comments and/or recommendations during the second review of the IS/MND on February 27, 2025:

- A request for clarifying details in the Project Description (PD) to include further discussion of construction, operations and maintenance (O&M), and decommissioning phases.
- A recommendation to perform surveys for burrowing owl (*Athene cunicularia*; BUOW) prior to initiation of construction. Also, to update the language in the IS/MND to reflect the recent status change of BUOW as a candidate for listing under the California Endangered Species Act (CESA).
- A recommendation to perform an assessment of burrows with potential to support desert kit fox (*Vulpes macrotis*) and American badger (*Taxidea taxus*) during the BUOW surveys, and potential impacts to these species if suitable burrows are present, as well as a request to include mitigation measures for these species.
- A recommendation to perform additional rare plant surveys.
- A recommendation to perform surveys for Crotch's bumble bee and potentially suitable habitat.
- A recommendation to perform surveys for Swainson's hawk (*Buteo swainsoni*; SWHA), and a request to implement a 0.5-mile buffer if active SWHA nests are found during surveys.
- A recommendation for a preconstruction nesting bird survey, including a 500-foot buffer for raptors, be conducted, and additional surveys occur during O&M and decommissioning phases, including monitoring and reporting.
- A request for clarification regarding Project fencing.
- A request to include a description of how the solar panels will be mounted and if any wildlife entrapment issues may be present; and, to include wildlife entrapment avoidance in the Worker Environmental Awareness Training (WEAT) presentation.
- A recommendation to perform surveys for bats, to determine the potential for foraging on the site.
- A request for the County to review the WEAT.
- A request to include language regarding trash in MM BIO-3 (updated to MM BIO-4), and that it must be removed daily or stored in wildlife proof containers to reduce attraction of ravens.
- A request that MM BIO-4 (updated to MM BIO-5) apply to all phases of the Project (construction, O&M, and decommissioning).
- A request for nesting bird monitoring and avoidance in the O&M and Decommissioning Plan.

Response to Comments

Below are detailed responses to the above comments.

Project Description

Construction

Project construction is anticipated to be completed over a period of approximately seven months beginning as early as December 2025 and ending as early as June 2026. Project construction activities generally fall into six main categories: (1) demolition, (2) site preparation (vegetation clearing), (3) grading, (4) paving, (5) system installation, and (6) testing, commissioning, and cleanup. The on-site construction workforce is expected to peak at approximately 50 individuals during the construction



period, but approximately 15 to 20 workers may be expected during non-peak activities. Construction personnel will be divided between civil and electrical services.

The perimeter fence would be installed at the onset of construction to establish the outer boundaries of the Project Site. Site preparation would consist of clearing the existing vegetation in those areas on the Project Site where construction would be undertaken, grading, and establishing temporary staging area (including stockpile and laydown areas) as necessary. Selected vegetation would be removed to accommodate the construction of the array and its appurtenances, as well as to prevent shading on the array during operation. Any vegetation taller than two feet (e.g., the height of the solar modules above grade) or expected to exceed two feet in height would be removed. Grass and groundcover may remain between rows and under the solar modules. All cleared vegetation would be chipped or spread on-site or disposed of responsibly.

A temporary staging area would be used as laydown area for construction equipment and materials. The staging area would also include a location for sanitary facilities and a construction trailer. The area containing the equipment and materials would be closed within a temporary construction fence with a lockable gate. Construction equipment such as tractors, backhoes, loaders, dozers, and graders may be needed to clear vegetation from the Project Site, and to grade roads and areas where structures will stand. All soils would be balanced on-site, and no import or export is expected.

Erosion and sediment control best management practices (BMPs) would be installed on the Project Site to prevent stormwater runoff. These BMPs would remain in place until construction is complete and until the Project Site is reseeded and stabilized in accordance with applicable code requirements. The construction contractor would be required to incorporate BMPs consistent with the County's ordinance and with guidelines provided in the California Stormwater Quality Association's Construction Best Management Practice Handbook, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and a Soil Erosion and Sedimentation Control Plan to reduce potential impacts related to construction of the Project.

Erection of the solar arrays would include support structures and associated electrical equipment and cabling. During this work, there would be multiple crews working on the Project Site with various equipment and vehicles, including special vehicles for transporting the modules and other equipment. As the solar arrays are installed, the electrical collection and communication systems would be installed.

Operation

The Project would utilize approximately 14,000 solar modules and 40 string inverters. The modules would be manufactured off-site and delivered by truck in wooden crates or cardboard boxes. The single-axis tracking technology would allow the modules to efficiently track the sun throughout the day to maximize the efficiency of solar collection. The modules would be stored vertically at the end of the day. The modules would be mounted on a steel racking system, which would be anchored into the ground using driven steel piers to a maximum depth of 8 to 12 feet below ground surface. The foundations securing the solar modules would be designed to withstand high winds and snow loads. The overall height of the array would be no more than the maximum permitted height of 25 feet for solar arrays, pursuant to Section 22.140.510.E.3.c.iii of the County's Renewable Energy Ordinance. The Project is designed to comply with the development standards of the Los Angeles County's Renewable Energy Ordinance.

The Project would have a useful life of approximately 35 years and would operate year-round. The Project would be unmanned, and no employees would report to the Project Site daily. Typical O&M activities during Project operations include, but are not limited to, facility monitoring; administration and reporting; remote operations of inverters, BESS system, and other equipment; repair and



maintenance of solar facilities; and periodic panel and inverter washing. It is estimated that the Project would require 6 maintenance-related visits per year and 4 solar panel and inverter washing visits per year, resulting in a total of approximately 10 operational roundtrips per year (20 one-way trips).

All scheduled maintenance of the Project would occur from 8 a.m. to 5 p.m. Unscheduled maintenance visits would generally occur only if an emergency situation develops at the Project Site or its immediate surroundings that could endanger the functional capacity of the Project and/or endanger the general public health, safety, and welfare of the Project Site and its surroundings. In the event of a major disruption to the Project Site, a corrective maintenance visit would be scheduled as soon as possible with all reasonable effort to schedule any such maintenance activities between 8 a.m. and 5 p.m.

Decommissioning

At the end of the Project's operational term, the Applicant may determine that the Project should be decommissioned and deconstructed. The Applicant will work with the County to ensure decommissioning of the Project after its productive lifetime complies with all applicable local, State, and federal requirements and BMPs and in a manner consistent with the requirements of the Project Decommissioning Plan. The Project would include BMPs to ensure the collection and recycling of modules and to avoid the potential for modules to be disposed of as municipal waste with a preference for recycling.

Equipment would be de-energized prior to removal, salvaged (where possible), placed in appropriate shipping containers, and secured in a truck transport trailer for shipment off-site to be recycled or disposed of at an appropriately licensed disposal facility. Site infrastructure would be removed, including fences and concrete pads that may support the inverters and related equipment. The exterior fencing would be removed, and materials would be recycled to the extent feasible. Project internal and access roads would be restored to their pre-construction condition to the extent feasible unless the landowner elects to retain the improved roads for access throughout the property. A collection, reuse, and recycling program would be utilized to promote reuse and recycling of Project components and minimize disposal in landfills.

Burrowing Owl

The language in the ISMND will be updated to reflect the recent status change of BUOW as a candidate for listing under CESA. Rincon biologists performed a protocol-level BUOW survey according to the CDFW "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012) on April 3, 2025. No burrows of suitable size (4 inches or greater) were observed during the survey, and no burrowing owls were detected. The conclusion of the IS/MND regarding the potential presence of BUOW on the site is supported by these results. An Incidental Take Permit for this species is not warranted at this time. We recommend including the following mitigation measure in the unlikely event BUOW are detected on the site in the future:

- *Mitigation Measure:* Should BUOW 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 preconstruction surveys, work will 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). CDFW will be notified within 24 hours of the detection 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. Prior to decommissioning, non-breeding season and breeding season



protocol-level surveys will be performed to determine presence of BUOW on the site. If any BUOW individuals or sign is detected during the surveys, CDFW will be contacted to determine next steps.

Desert Kit Fox and American Badger

During the BUOW survey that was performed on April 3, 2025, no burrows of suitable size for desert kit fox or American badger (4 inches or greater) were observed during the survey, and no desert kit foxes or American badgers were detected. The conclusion of the IS/MND regarding the low potential for presence of desert kit fox and American badger on the site is supported by these results. A preconstruction survey for burrows that could support desert kit fox or American badger will be performed 48 hours prior to construction, and if suitable burrows for either species are observed, the following measures will be implemented:

- *Mitigation Measure:* If occupied desert kit fox dens are detected during the preconstruction survey, a Desert Kit Fox Avoidance Plan will be prepared and submitted to CDFW for written approval. The Plan will include details on the procedures to collapse or block unoccupied dens which shall be developed in consultation with CDFW. Suitably sized dens (6 inches or greater in size) will be avoided by 200 feet during the desert kit fox pupping season (January 1 – August 31) and 100 feet outside of the pupping season (September 1 – December 31), where feasible. If avoidance is infeasible, camera monitoring will occur for 3 nights. If no desert kit foxes are detected during the camera monitoring period, the den will be collapsed according to the Desert Kit Fox Avoidance Plan. If kit foxes are detected during the camera monitoring period, the dens will be avoided by a 200-foot buffer during the pupping season and a 100-foot buffer outside of the pupping season until the adults and young have left the burrow, as evidenced by weekly biological monitoring to determine if sign is present at the burrow, and camera monitoring for 2 nights weekly to determine occupancy. Avoidance buffers will be determined in consultation with CDFW, and variances may be allowed with approval from CDFW.
- *Mitigation Measure:* If an active American badger den is detected in or within 100 feet of the work area (where accessible) during the preconstruction survey, the den shall be protected with a no disturbance buffer, as determined by a qualified biologist, based on the location of the den and construction activities in the vicinity of the den.

If an active den cannot be avoided, a Badger Eviction Plan will be prepared and submitted to CDFW for approval. The Plan will describe eviction of American badgers and may include camera station monitoring of burrows to ensure badgers are not inside, and timing of eviction to occur outside of the season that young could be present (March 1 – August 31).

Rare Plants and Vegetation Community Mapping

A rare plant survey was performed on April 8, 2025, by two qualified Rincon botanists. No rare plants were observed on the site. The vegetation communities mapped on the site included cheat grass grassland and rubber rabbit brush scrub. Although some small patches of native wildflowers were observed on the site (including California poppy [*Eschscholzia californica*] and yellowray goldfields [*Lasthenia glabrata*], none were large enough to be classified as a “wildflower field” according to Holland types and minimum mapping standards employed during the survey. The conclusion of the IS/MND regarding the potential for impacts to rare plants or sensitive vegetation communities is supported by these results. To minimize the potential impacts to native vegetation and to promote Project site revegetation following construction, the following mitigation measure is recommended:

- *Mitigation Measure:* To the extent practicable, construction activities will be performed during the dry season to minimize impacts to soil and native vegetation. Where feasible, rubber-tired vehicles will be used during construction and grading of Project areas will be limited the minimum



necessary to meet Project objectives. Application of seed will be limited to that required to meet Project objectives and seed mixes will be provided to the County for review prior to application.

Crotch's Bumble Bee

A formal habitat assessment was performed on April 8, 2025, to determine if suitable nesting or foraging habitat for Crotch's bumble bee is present on the Project site. During the survey, Rincon biologists observed potentially suitable foraging and nesting habitat for Crotch's bumble bee. However, the Project site provides limited suitable habitat compared to surrounding areas due to previous agricultural activities, and no bumble bees were observed during the habitat assessment. 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 a low potential for Crotch's bumble bee on the Project site. To address potential impacts to Crotch's bumble bee, the following mitigation measure is recommended:

- *Mitigation Measure:* Protocol surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) will 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.

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 will be avoided by a 50-foot buffer. The nest will be monitored daily by the qualified biologist (for at least 2 hours between 7:00 am and 11:00 am) and the following will be implemented:

- 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).
- 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 should be replaced at a 1:1 ratio or as otherwise determined during any ITP application process. Floral resources should be replaced as close to their original location as is feasible after the Project is constructed. These floral resources should be maintained during the life of the Project and should be replanted and managed as needed to ensure the habitat is preserved.

Swainson's Hawk

Swainson's hawk occurrences in the vicinity of the Project site are concentrated 15+ miles east of the Project site around Lancaster and east of Lancaster. A Swainson's hawk survey was performed by qualified Rincon biologists on April 15, 2025. No Swainson's hawks were observed within the 0.5-mile buffer of the site during the survey. There is only one CNDDDB documented occurrence of SWHA within 5 miles of the site, dated 2020. The preconstruction nesting bird survey buffer will be extended to 0.5-mile for SWHA, where accessible. If any active SWHA nests are detected within the 0.5-mile buffer, they will be monitored for a minimum of 3 hours to determine a baseline of behavior, and will be avoided by a minimum 0.25-mile buffer. After the initial baseline monitoring event, the nest will be monitored once weekly, including at the initiation of construction activity, to determine the stage of the nest. The nest will be monitored for at least 2 hours each week between 7:00 am and 10:00 am, and notes on adult behaviors, presumed stage and number of young, and any other breeding behaviors (e.g., copulation, prey deliveries) will 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 will remain in place until the young have fledged or the nest is inactive, to be determined by the qualified biologist.

Nesting Bird Surveys

A preconstruction nesting bird survey will be performed no more than 5 days prior to the onset of construction according to MM BIO-1 prior to construction and decommissioning activities, and will include a 500-foot buffer for raptors, where accessible, and a 0.5-mile buffer for SWHA, where accessible. If any active nests are detected within Project site or buffer, they will be monitored for a minimum of 1 hour for passerines and 3 hours for raptors to determine a baseline of behavior, and will 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 will be monitored once weekly to determine the stage of the nest. The buffer will remain in place until the young have fledged or the nest is inactive, to be determined by the qualified biologist.

Nesting bird surveys will not be required during O&M activities due to the low frequency and short duration of O&M activities over the life of the Project (e.g., panel washing 2-3 days per year with 1-2 personnel and a pickup truck); however, potential impacts to nesting birds during O&M activities will be addressed in the Project WEAT (to be included as supplemental material in the Project's O&M Manual), so that all workers on site will be aware that birds may be nesting on the site, how to identify potential nests, and avoidance strategies (e.g. implementation of buffers).

Fencing

See the updated Project description above that details the fencing specifications.

WEAT

In addition to the items included in MM BIO-3 of the IS/MND, the WEAT presentation will include strategies to avoid entrapment of wildlife during construction and decommissioning activities, avoidance of nesting birds during all phases of the Project, and reiteration that trash will be removed daily or will be stored in wildlife-proof containers. Contact information for the Project biologist and other useful wildlife-related contacts (CDFW, venomous snake humane relocation services, etc.) will be included in the WEAT. The WEAT will be sent to the County for review prior to implementation of the Project.

Bats

Work will not be conducted from an hour before sunset to an hour after sunrise; therefore, no impacts to foraging bats would occur. Furthermore, there is a low potential for bats to occur on site, based on a lack of suitable roosting habitat on and adjacent to the site. As such, surveys for foraging bats are not warranted.

MM BIO-4

Language will be included in MM BIO-4 that trash must be removed daily or stored in wildlife proof containers to reduce the chance for attracting ravens.

MM BIO-5

MM BIO-5 will apply to the construction and decommissioning phases of the Project.



Biological Monitoring During O&M and Decommissioning Activities

As detailed above, the O&M and Decommissioning Plan will include specific requirements for biological monitoring when these activities have the potential to result in impacts to nesting birds and other sensitive wildlife that may occur in or near the Project site. Specifically, activities such as vegetation maintenance or other activities conducted during the breeding bird season.

If you have any questions regarding this memo, please contact Lisa Achter at lachter@rinconconsultants.com.

Sincerely,
Rincon Consultants, Inc.

Lisa Achter
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