



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*MEGHAN HERTEL, Director*



March 13, 2026

Mark Tolentino, Planner III  
Kern County  
Planning and Natural Resources Department  
2700 "M" Street, Suite 100  
Bakersfield, California 93301  
(661) 862-5041  
[TolentinoM@kerncounty.com](mailto:TolentinoM@kerncounty.com)

**Subject: Discovery Solar PV and Storage Project (Project)  
Draft Environmental Impact Report (DEIR)  
State Clearinghouse No. 2025071048**

Dear Mark Tolentino:

The California Department of Fish and Wildlife (CDFW) received a DEIR from Kern County (County) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<sup>1</sup> 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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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. 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 may 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, sections 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.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Discovery Solar PV and Storage, LLC

**Objective:** The Project proposes to construct and operate a photovoltaic (PV) solar facility with associated infrastructure necessary to generate up to 1,400 megawatts (MW) of renewable electrical energy with up to 8 gigawatt-hours (GWh) of energy storage capacity (approximately 1,000 MW) on an approximately 7,700-acre Project site. Project infrastructure includes solar PV modules, energy storage system(s), the electrical collection system and inverters, an operations and maintenance (O&M) facility, telecommunication facilities, a switchyard, up to three onsite collector substations, and temporary laydown yards. Grading would be performed throughout the site, and trenching would be required to place underground electrical and communication lines.

The proposed Project also includes a generation-tie (gen-tie) line to connect the Project to the existing Southern California Edison (SCE) Windhub Substation. Construction of a new 230-kilovolt (kV) overhead power distribution line from an existing substation south of the Los Angeles Department of Water and Power (LADWP) aqueduct would be required to provide power to the Project. The new gen-tie line would head north and cross the LADWP aqueduct and then combine with stepped-up generation from an additional collector substation via either a switchyard or direct connection. From there, the two circuits would be combined into a double circuit that would run north to a new 230-kV switchyard to connect and/or route the Project gen-tie circuits into an existing gen-tie corridor (previously approved and constructed as part of the Sanborn Solar

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Project) and then west towards the SCE Windhub Substation. The proposed gen-tie line would run on poles at a maximum height of 250 feet.

**Location:** The proposed Project site is located at the western edge of the Antelope Valley, approximately 6 miles southwest of the community of Mojave, approximately 9 miles southeast of the City of Tehachapi, approximately 8 miles northwest of the unincorporated community of Rosamond, and approximately 20 miles west of Edwards Air Force Base. The Project is located within the Monolith, Willow Springs, and Soledad Mountain U.S. Geological Survey 7.5-minute quadrangles, and spans multiple Townships, Ranges, and Sections including the following: Township 10 North, Range 13 West, Sections 2-8, 10, and 18; Township 10 North, Range 14 West, Sections 1, 2, 11, 12, 14, 15, 22, and 23; Township 11 North, Range 13 West, Sections 21, 31, 32, and 33; and Township 11 North, Range 14 West Sections 25, 26, 35, 36. Portions of the Project are adjacent to and on both sides of Tehachapi Willow Springs Road and the LADWP aqueduct.

**Timeframe:** Construction is expected to take approximately 34 months.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations 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 Final Environmental Impact Report (FEIR). CDFW previously submitted comments regarding the Project in response to the Notice of Preparation of the DEIR in a letter dated August 27, 2025 (NOP Comment Letter).

As stated in the DEIR, the Project site ranges in elevation between 2,970 and 3,760 feet and is located south of the Tehachapi Mountains where lands gradually slope downward from the northwest towards the southeast. Desert vegetation dominates the regional landscape of the site and includes Mojave desert scrub (e.g., creosote bush scrub, cheesebush scrub), Joshua tree woodland, and other desert vegetation communities and species. A number of biological technical studies were conducted in support of the DEIR, and the DEIR identifies several special-status species that could potentially be impacted by the Project.

### **Western Joshua Tree**

Notably, the DEIR concludes that impacts to the State candidate western Joshua tree (*Yucca brevifolia*; WJT) would be significant and unavoidable due to the large number of WJT expected to be impacted by the Project. Under CESA, species classified as a candidate species are afforded the same protection as CESA-listed species. Take of any CESA listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). The California state legislature enacted the Western

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Joshua Tree Conservation Act (WJTCA), which aims to provide protection of WJT and provides another permitting mechanism for the incidental take of WJT. Given the significance determination identified by the County in the DEIR, the substantial Project-related impacts that are anticipated to occur to the species, and the protections afforded to the species under the CESA and WJTCA, CDFW strongly recommends the Project proponent consult with CDFW early in the planning process and obtain appropriate take authorization under CESA.

The DEIR provides Mitigation Measure (MM) 4.4-7 and other biological mitigation measures to reduce Project impacts to WJT. MM 4.4-7 requires the Project proponent to consult with CDFW regarding the take of WJT and comply with all avoidance, minimization, and mitigation measures detailed in any Incidental Take Permit (ITP) issued to the Project. It also requires the proponent to submit documentation to the County confirming implementation of several Project design features intended to preserve and avoid and minimize impacts to WJT and Joshua tree woodland at the site. These design features include an onsite 50-foot vegetated strip (which would remain undeveloped) between the Project site and Tehachapi Willow Springs Road, protection of 420 acres of Woodland Habitat Preservation Areas for the life of the Project, and relocation of a minimum of 10,000 onsite WJT stems to the 50-foot vegetated strip, Woodland Habitat Preservation Areas, and other onsite or offsite conserved lands.

CDFW concurs with the portion of MM 4.4-7 requiring consultation with CDFW and compliance with an ITP. Take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. Alternatively, the Project may obtain take authorization through issuance of a Western Joshua Tree Conservation Act ITP pursuant to Fish and Game Code section 1927.3. However, CDFW would like to highlight the potential challenges regarding the feasibility of relocating 10,000 WJT, a number which is substantially higher than known project-related WJT relocation efforts to date. As these relocation efforts would require extensive resources and planning, and appropriate avoidance, minimization, and mitigation would also need to be determined by CDFW as part of the CESA or WJTCA permitting process, CDFW strongly recommends the Project proponent closely coordinate with CDFW on these relocation efforts. CDFW also notes that protected/conserved lands, such as the Woodland Habitat Preservation Areas and 50-foot vegetated strip, should be preserved in perpetuity (i.e., with conservation easement(s)) to be utilized as compensatory mitigation associated with a CESA ITP. CDFW reiterates the importance of early and extensive coordination with CDFW given the significant impacts on WJT anticipated for the Project and potential mitigation issues detailed above.

### **Additional Special-Status Species**

The DEIR evaluates the Project's potential impacts on several additional special-status species whose geographic ranges overlap (or are directly adjacent to) the Project site

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and concludes impacts to these species would be less than significant, either with or without mitigation incorporated. Accordingly, the DEIR proposes multiple mitigation measures to reduce the Project's impacts on special-status species to a less-than-significant level.

CDFW has concerns about the ability of some of the DEIR's proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal and plant species. These species include the State endangered and federally threatened desert tortoise (*Gopherus agassizii*); the State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*) and Swainson's hawk (*Buteo swainsonii*); the State species of special concern LeConte's thrasher (*Toxostoma lecontei*); and special-status plant species including, but not limited to, the State and federally endangered and California Rare Plant Rank (CRPR) 1B.1 Bakersfield cactus (*Opuntia basilaris* var. *treleasei*).

### **Desert Tortoise**

As stated in the DEIR, the Project site is within the geographic range of desert tortoise (DT) and contains moderately suitable DT habitat. Protocol surveys for DT were conducted in support of the DEIR and detected one deceased DT on the Project site, although the DEIR noted that there was evidence to suggest this carcass was from a previously captive individual. Additionally, one Class 3, one Class 4, and two Class 5 burrows were detected in the Study Area (i.e., the Project site, gen-tie route corridor, and surrounding proponent-controlled parcels). CDFW considers these results as evidence of DT using the Project site.

The DEIR includes MM 4.4-13 to mitigate for potential significant impacts to DT and requires that preconstruction surveys be conducted for the species, requires consultation with CDFW if Class 1 burrows are detected, and requires preparation and submittal of a Raven Management Plan.

In the NOP Comment Letter, CDFW previously recommended the proponent consult with CDFW regarding take coverage in the event an individual DT or potential DT burrow is detected. As previous survey efforts documented a DT individual and DT sign, CDFW recommends the FEIR include the following measure:

### **Recommended Mitigation Measure 1: DT Take Authorization**

If surveys indicate the presence or potential presence of DT within 50 feet of Project activities, consultation with CDFW is recommended for guidance on how to implement the Project and avoid take of the species. If take cannot be avoided, take authorization through the issuance of an ITP pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

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### **Mohave Ground Squirrel**

A Mohave ground squirrel (MGS) desktop assessment was completed in support of the DEIR. The assessment provided a discussion of habitat suitability and review of regional MGS occurrence records and historical protocol trapping efforts in the Project vicinity and concluded that MGS are unlikely to occur on the Project site. Protocol surveys for this Project have not been conducted.

CDFW previously recommended in the NOP Comment Letter that a qualified biologist conduct focused/protocol surveys for MGS following the methods described in the Mohave Ground Squirrel Survey Guidelines (CDFW 2023) if potentially suitable habitat is identified on the site. According to the DEIR and MGS desktop assessment, approximately 66% of the Project site supports creosote bush scrub, a plant community where MGS often occur, and this suitable habitat is located primarily within the portion of the site to the east of the LADWP aqueduct. As such, CDFW continues to recommend focused surveys for MGS for the Project. Because of the large size of the Project site, and as suitable MGS habitat is concentrated in the eastern portion of the site, CDFW recommends that the Project proponent propose a surveying methodology for CDFW review and approval prior to initiation of surveys. If an individual MGS or MGS burrow is detected, consultation with CDFW is recommended for guidance on how to implement the Project and avoid take of the species or for guidance on obtaining an ITP pursuant to Fish and Game Code section 2081 subdivision (b). Alternatively, the Project proponent may forgo Project Area wide focused surveys and may assume presence of MGS and obtain an ITP for MGS.

### **Swainson's Hawk**

As indicated in the DEIR, Swainson's hawk (SWHA) have a high likelihood of using the Project site. Protocol-level SWHA surveys conducted in support of the DEIR located three active SWHA nests within 4 miles of the Project site in 2023, with two remaining active in 2024 and one remaining active in 2025. The DEIR also describes suitable nesting habitat present in the Project site (i.e., stands of WJT and California juniper).

The DEIR provides MM 4.4-12 to reduce the Project's impacts on SWHA to less than significant. If construction activities are scheduled to take place during the nesting season, MM 4.4-12 requires a SWHA preconstruction survey, avoidance buffer, foraging habitat mitigation, and consultation with CDFW if SWHA avoidance is not feasible. CDFW concurs that a SWHA preconstruction survey should be conducted following the 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 (SWHA Survey Protocol; California Energy Commission 2010). CDFW also concurs that, in the event active SWHA nests are present, a 0.5-mile avoidance buffer should be delineated around each nest and maintained until the

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Lead Biologist has determined the nest is no longer active. Finally, CDFW concurs that consultation with CDFW is warranted to discuss how to implement the Project and avoid take if an active nest cannot be avoided. 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.

MM 4.4-12 requires the proponent to mitigate the loss of moderate quality SWHA foraging habitat for portions of the Project site within 5 miles of an active nest at a 0.5:1 ratio. CDFW concurs that mitigation for the loss of foraging habitat is necessary but does not concur with the proposed mitigation ratio. As such, CDFW recommends the FEIR include the following measure:

### **Recommended Mitigation Measure 2: SWHA Foraging Habitat Mitigation**

CDFW recommends compensation for the loss of SWHA foraging habitat as described in the SWHA Survey Protocol to reduce impacts to foraging habitat to less than significant. The SWHA Survey Protocol recommends that SWHA foraging habitat be mitigated by providing habitat management (HM) lands within the Antelope Valley SWHA breeding range at a minimum 2:1 ratio for such habitat impacted within a five-mile radius of active SWHA nest(s). CDFW considers a nest active if it was used one or more times within the last 5 years.

### **LeConte's Thrasher**

The DEIR notes that LeConte's thrasher (LETH) was documented within the Project site and MM 4.4-9 is provided to mitigate for potential significant impacts to nesting birds, including LETH. On September 16, 2025, the California Fish and Game Commission (Commission) received a petition to list LETH as a threatened or endangered species under CESA. If the Commission takes action and LETH becomes listed as a Candidate for listing pursuant to CESA (possibly in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA if full avoidance of LETH cannot be achieved. As such, in the event the species becomes listed under CESA and LETH is documented within the Project site during preactivity surveys, consultation with CDFW is recommended for guidance on how to implement the Project and avoid take.

### **Special-Status Plants**

The DEIR identifies several special-status plant species with the potential to occur in the Project site and provides MM 4.4-5 to reduce impacts to special-status plants to a less-than-significant level (with the exception of WJT). CDFW concurs that preconstruction surveys for special-status plants should be conducted and, if detected, special-status plants should be avoided by Project activities. However, CDFW is concerned that a protective buffer of only 25 feet may not sufficiently avoid significant

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impacts to special-status plants if they are detected. CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

If State endangered, threatened, or rare plants are identified during special-status plant surveys and take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b), is necessary to comply with CESA and the NPPA. Further discussion regarding Bakersfield cactus (BACA) is provided below.

### ***Bakersfield Cactus***

The Botanical Inventory Report prepared in support of the DEIR does not report detection of BACA but does identify hundreds of beavertail cactus (*Opuntia basilaris* var. *basilaris*) and multiple *O. basilaris* individuals on the Project site. The DEIR recounts that a single cactus plant on the Project site was initially viewed to exhibit characteristics of BACA but was ultimately determined to be an unidentified variety of *O. basilaris* as “studies show that only the populations in the San Joaquin Valley are true Bakersfield cactus.” The DEIR also referenced personal communications with expert researchers to further support the conclusion that BACA’s range does not extend on to the eastern side of the Tehachapi Mountains. While CDFW appreciates the information provided for BACA, CDFW does not concur with the range boundary conclusions in the DEIR, and the *O. basilaris* individuals documented along the foothills of the Tehachapi Mountains should be considered the State and federally endangered BACA. Additionally, any impacts to BACA, without appropriate take authorization, would be considered a violation of CESA, and potentially subject to criminal and/or civil prosecution.

Contrary to the information in the DEIR, BACA are known to occur on the east side of the Tehachapi Mountains and in the transition zone between the mountains and Antelope Valley floor. To further assist the County with assessing and mitigating for potential significant impacts to BACA within the Tehachapi Mountains and transition zone, CDFW recommends the County review the following documents: Genetic Partitioning Within the Metapopulation of Endangered Bakersfield Cactus (*Opuntia basilaris* var. *treleasei*): Implications for Translocation Effort Final Report (Smith 2013; Smith Report); Genomic Sequencing to Develop a Single Nucleotide Polymorphism Assay of the Endangered Bakersfield Cactus (Rancho Santa Ana Botanic Garden 2017;

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Porter Study); and the Taxonomy and Identification of Bakersfield Cactus: A Review of Pertinent Literature with Recommendations (Cypher 2011; 2011 Technical Report).

### **Smith Report**

The Smith Report, which was prepared for CDFW and is available on CDFW's website, indicates that the *O. basilaris* variety on the east side of the Tehachapi Mountains exhibits a close genetic affinity to BACA. While this report was originally prepared to inform translocation efforts, it also provided relevant scientific information to confirm BACA's range and presence on the east side of the Tehachapi Mountains.

### **Porter Study**

CDFW is aware of additional recent genetic analyses of BACA within the species range, including analyses provided in the Porter Study. The study noted that "the San Joaquin Valley populations of Bakersfield cactus are genetically well differentiated from the other population groups of *O. basilaris*", including the populations of *O. basilaris* located on the southern and eastern slopes of the Tehachapi Mountains. The report concluded the populations of BACA within the San Joaquin Valley are closely related but separate from the populations on the southern and eastern slopes of the Tehachapi Mountains (which encompasses the Project site), with limited gene flow that has occurred between these populations. The report hypothesizes that gene flow between these two populations occurs through the Kern River Canyon and other canyons in the Tehachapi Mountains.

While CDFW recognizes the importance of the Porter Study and acknowledges that the study has provided support for the genetic distinctness of various *O. basilaris* populations, ultimately, these phylogenetic results are expected based on the species ecology, and the study results do not substantially contradict the information provided in the Smith Report. In particular, it would be expected that there would be limited gene flow between populations of *O. basilaris* (including within varieties), and it's important to note that Porter Study found that the populations on the southern and eastern portion of the Tehachapi Mountains still showed evidence of gene flow with the San Joaquin Valley populations regardless of the criterion selected. It is also important to note that the type specimen location for BACA, which showed close genetic relatedness (regardless of the criterion used) to the populations on the southern and eastern side of the Tehachapi Mountains, is in Caliente (and the Tehachapi Mountains), not the San Joaquin Valley.

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### **2011 Technical Report**

The 2011 Technical Report was a CDFW-prepared technical report that assessed the distinct and overlapping morphological characteristics between BACA and the more common beavertail cactus. This report noted that virtually all the morphological characteristics that have been used to differentiate BACA and beavertail cactus have some form of overlap. The report details the characteristics that seem to show the greatest amount of differentiation between varieties and recommends that plants possessing even a single diagnostic characteristic of BACA be considered BACA and protected under the CESA. As the DEIR notes that at least 1 *O. basilaris* individual on the Project site exhibited the morphological characteristics of BACA, this would seem a strong indication that this individual (and likely other *O. Basilaris* individuals within Tehachapi Mountain transition zone) is the variety, BACA.

As detailed above, based on CDFW's knowledge of BACA and the Project area, relevant BACA research and literature, and information provided in the DEIR, CDFW reiterates the recommendations in the NOP Comment Letter that if any BACA or beavertail cactus individuals are found within the Project site, consultation with CDFW occur regarding avoidance and take coverage. As such, CDFW recommends the FEIR include the following measure:

#### **Recommended Mitigation Measure 3: BACA Take Authorization**

As BACA may occupy the Project site, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take of BACA 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. Please note that there are no definitions within Fish and Game Code that exempt or exclude the protection of listed species that might hybridize and/or have the genetic traits of multiple species, subspecies, or varieties.

#### **Editorial Comments and/or Suggestions**

**Nesting Birds:** CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground- or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th, as opposed to August 31st), 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.

If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days (as opposed to 14 days) prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also

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recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet (as opposed to 100 feet) around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**Lake and Streambed Alteration:** The aquatic resources delineation for the Project identified 68 potentially jurisdictional features totaling approximately 143.33 acres and 172,928 linear feet within the 8,660-acre Study Area. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

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**CNDDDB:** Please note that the California Natural Diversity Database (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.

**Battery Energy Storage System Evaluation:** The proposed Project includes installation of an approximately 1,000 MW BESS as part of the Project. CDFW is familiar with the Moss Landing battery plant fire, which was a battery energy storage system (BESS) which had densely stacked batteries within a single warehouse building and which used lithium-ion batteries with Nickel Manganese Cobalt (NMC) chemistry, which are more prone to overheating and thermal runaway. Fires at NMC BESSs cannot be extinguished with water and thus an alternative onsite fire suppression system is critical.

As such, the BESS systems proposed as part of the Project warrant a careful evaluation for potential fire-related impacts to biological resources within and surrounding the Project site. While newer BESS technologies have been made more readily available since construction of the Moss Landing BESS, current battery technologies can still have the potential for impacts to biological resources if overheating and thermal runaway were to occur. For example, 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.

Based on information in DEIR, it appears the BESS configuration for the Project is likely to be constructed of self-contained energy storage modules (i.e., individual battery containers) and would likely use lithium-ion battery technology. As part of the BESS configuration, CDFW recommends continuing considering alternative battery technologies such as Lithium Iron Phosphate (LFP), which uses more benign constituents, is more stable over long life cycles, and has better thermal stability and is less prone to overheating (Evro 2024).

CDFW appreciates the evaluation within the DEIR for potential BESS-related impacts, including the potential for impacts associated with BESS fires, and recommends the design features and mitigation measures outlined in the DEIR be incorporated within the FEIR.

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

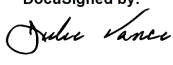
## FILING FEES

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 the County in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 1) which corresponds with the recommended mitigation measures in this comment letter. If you have any questions, please contact Amanda Canepa, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 746-0721, or by electronic mail at [Amanda.Canepa@wildlife.ca.gov](mailto:Amanda.Canepa@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Attachment (MMRP)

Mark Tolentino  
Kern County Planning and Natural Resources Department  
March 13, 2026  
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ec: State Clearinghouse  
Land Use and Climate Innovation  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

Amanda Canepa  
California Department of Fish and Wildlife  
[Amanda.Canepa@wildlife.ca.gov](mailto:Amanda.Canepa@wildlife.ca.gov)

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- California Energy Commission and California Department of Fish and Game. 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. California Energy Commission and Department of Fish and Game, Sacramento, California, USA.
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# Attachment 1

**Attachment 1**

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

**PROJECT: Discovery Solar PV and Storage Project by Discovery  
Solar PV and Storage, LLC**

**SCH No.: 2025071048**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
DT	
Recommended Mitigation Measure 1: DT Take Authorization	
SWHA	
Recommended Mitigation Measure 2: SWHA Foraging Habitat Mitigation	
BACA	
Recommended Mitigation Measure 3: BACA Take Authorization	