



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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June 15, 2026

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**Subject: Galaxy Solar PV and Storage Project (Project)  
Draft Environmental Impact Report (DEIR)  
State Clearinghouse No. 2025081409**

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

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. 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 the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or 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:** Galaxy Solar Storage, LLC (Terra-Gen)

**Objective:** The Project proposes to construct a photovoltaic (PV) solar facility with associated infrastructure necessary to generate up to 600 megawatts (MW) of renewable electrical energy with up to 4 gigawatt-hours (GWh) (approximately 1,000 MW) of energy storage capacity on an approximate 3,400-acre Project site. Project infrastructure includes an operations and maintenance (O&M) facility, telecommunication facilities, energy storage system(s), an onsite collector substation, a 230-kV switchyard, and offsite water storage tanks. The proposed Project also includes an approximately 16-mile generation-tie (gen-tie) line, on poles of a maximum height of 250 feet, to connect the Project to the existing Southern California Edison (SCE) Windhub Substation.

**Location:** The proposed Project site is located across 162 privately owned parcels in Kern County at the northern edge of the Antelope Valley. The site is approximately 6 miles southeast of the community of Mojave, approximately 8 miles northeast of the community of Rosamond, and approximately 8 miles northwest of the main base of Edwards Air Force Base. The proposed Project is located within the Bissell and Sanborn U.S. Geological Survey 7.5-minute quadrangles, and spans multiple

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Townships, Ranges, and Sections including the following: Townships 10 and 11 North, Range 11 West, and Sections 3, 4, 8, 9, 28, and 32-34. Portions of the Project are located just south of State Route 58 and on both sides of the Burlington Northern Santa Fe Railway.

## **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 October 6, 2025 (NOP Comment Letter; Attachment 1).

As stated in the DEIR, the Project site is relatively flat with elevations ranging between 2,460 and 2,900 feet above mean sea level. Desert vegetation dominates the regional landscape of the site and includes cheonopod scrub and Mojavean desert scrub, with allscale scrub as the dominant vegetation community. 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 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 Western Joshua Tree Conservation Act (WJTCA), enacted by the California state legislature in 2023, 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 CESA and WJTCA, CDFW strongly recommends the Project proponent consult with CDFW early in the planning process and obtain appropriate take authorization for WJT.

The DEIR provides Mitigation Measure (MM) 4.4-8, other biological mitigation measures, and Project design features to avoid, preserve, and minimize impacts to WJT. MM 4.4-8 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 development of a Joshua Tree

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Preservation Plan, which must include how the Project plans to relocate a minimum of 900 onsite WJT to onsite or offsite lands.

CDFW concurs with the portion of MM 4.4-8 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. CDFW would like to highlight the potential challenges regarding the feasibility of relocating 900 WJT, a number which is higher than known project-related WJT relocation efforts to date. CDFW recommends the Project proponent closely coordinate with CDFW on relocation efforts, as appropriate avoidance, minimization, and mitigation would also need to be determined by CDFW as part of the CESA or WJTCA permitting process. CDFW notes that, under CESA and WJTCA, impacts to WJT must be fully mitigated. 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 the Project site 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.

According to the DEIR, the State endangered and federally threatened desert tortoise (*Gopherus agassizii*) and the State candidate western burrowing owl (*Athene cunicularia hypugaea*) are present on the Project site. CDFW recommends the Project proponent consult with CDFW to discuss how to implement the Project and avoid take. If take of any of these species 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.

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 threatened Mohave ground squirrel (*Xerospermophilus mohavensis*) and Swainson's hawk (*Buteo swainsonii*); the State candidate LeConte's thrasher (*Toxostoma lecontei*), western burrowing owl, and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern American badger (*Taxidea taxus*); the State protected furbearing mammal desert kit fox (*Vulpes macrotis arsipus*); and the California Rare Plant Rank (CRPR) 1B.2 alkali mariposa lily (*Calochortus striatus*).

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### **Mohave Ground Squirrel**

The DEIR concludes that Mojave ground squirrel (MGS) has the potential to be present within the Project site based on recent occurrence data and a habitat suitability assessment conducted in support of the DEIR, which identified moderate to low/moderate quality MGS habitat within the site. It is CDFW's understanding that focused/protocol MGS surveys have not been completed for the Project. The DEIR provides MM 4.4-19 to mitigate the Project's impacts on MGS, which requires the Project to conduct preconstruction surveys for small mammals, including MGS, within suitable habitat 14 days prior to ground disturbance. If MGS is detected on the Project site, MM 4.4-19 requires the proponent to halt work, report the sighting to CDFW, and prepare a Mohave Ground Squirrel Avoidance and Monitoring Plan, which must include avoidance of MGS by a minimum of 50 feet. If avoidance of MGS is not feasible, MM 4.4-19 requires the proponent to consult with CDFW regarding take authorization.

CDFW concurs with the portions of MM 4.4-19 requiring avoidance of MGS and consultation with CDFW if MGS is detected on the Project site. However, as the Project's habitat assessment identified suitable MGS habitat within the Project site, CDFW asserts that protocol-level surveys for MGS are necessary to detect any MGS that may be present on the site and avoid potentially significant impacts on the species, as opposed to surveys conducted 14 days prior to ground disturbance which may not detect the species even if present. Alternatively, the Project proponent could consult with CDFW prior to conducting these surveys to discuss how to implement the Project and avoid take. If take of any of these species 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. As such, CDFW reiterates the recommendations in the NOP Comment Letter and recommends the FEIR include the following additional measure:

#### **Recommended Mitigation Measure 1: MGS Protocol Surveys**

CDFW recommends that a qualified permitted biologist conduct protocol surveys for MGS following the methods described in the "Mohave Ground Squirrel Survey Guidelines" (CDFW 2023a) during the appropriate survey season prior to Project implementation, including any vegetation or ground disturbing activities. Results of the MGS surveys are recommended to be submitted to CDFW. Please note MGS surveys are valid for one year and CDFW recommends surveys be conducted within a year of the start of ground-disturbing activities.

### **Swainson's Hawk**

Swainson's hawk (SWHA) nesting surveys were conducted in support of the DEIR in accordance with the Swainson's Hawk Survey Protocols, Impact Avoidance, and

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Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (SWHA Survey Protocols; California Energy Commission 2010). While no SWHA nests were observed within the Project site, suitable nesting and foraging habitat is present on the site according to the DEIR. The DEIR provides MM 4.4-13 to mitigate for SWHA impacts, which requires the Project to complete preconstruction surveys following the SWHA Survey Protocols within 30 days prior to the start of construction if activities are scheduled to begin during the SWHA nesting season. If a nesting SWHA is detected, MM 4.4-13 requires a 0.5-mile avoidance buffer to be established around the nest. MM 4.4-13 also requires the proponent to mitigate the loss of any moderate quality SWHA foraging habitat within a 5-mile radius of active SWHA nest(s) at up to a 0.5:1 ratio. Lastly, if avoidance of an active nest is infeasible, MM 4.4-13 requires the proponent to consult with CDFW regarding take authorization.

Please be advised that CDFW considers a nest active if it was used one or more times within the last 5 years. CDFW concurs with the portions of MM 4.4-13 requiring protocol SWHA preconstruction surveys, but recommends these surveys follow 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) protocol if construction is anticipated to begin during the SWHA nesting season. CDFW also concurs with the portion of MM 4.4-13 that requires establishment of an avoidance buffer, and consultation with CDFW. However, CDFW does not concur with the proposed mitigation ratio for the loss of SWHA foraging habitat. CDFW recommends the FEIR incorporate 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 Protocols to reduce impacts to foraging habitat to less than significant. The SWHA Survey Protocols recommend that loss of 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 5-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.

### **Le Conte's Thrasher**

The California Fish and Game Commission approved Le Conte's thrasher (LETH) as a candidate for potential listing as a protected species under CESA on April 16, 2026, and published these findings in the California Regulatory Notice Register on April 29, 2026. Therefore, LETH is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

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The DEIR concludes that there is moderate potential for LETH to forage and nest within the Project site, and no species-specific measures are incorporated in the DEIR. As LETH may occur on the site, significant impacts to LETH may occur without mitigation, especially considering the species' recent change in CESA status. As such, CDFW recommends the FEIR include the following measures:

### **Recommended Mitigation Measure 3: LETH Preconstruction Surveys**

CDFW recommends that a qualified biologist conduct for surveys assessing presence/absence of LETH (individuals and nests) on the Project site, as well as a 500-foot buffer surrounding the Project site during the survey season immediately prior to construction. CDFW recommends these surveys be conducted in coordination with CDFW to assist with determining an appropriate survey methodology.

### **Recommended Mitigation Measure 4: LETH Avoidance and Consultation**

Should a LETH nest or occupied habitat (i.e., territory) be detected, either during pre-construction surveys or construction activities, CDFW recommends that a 500-foot no-disturbance buffer be implemented around these areas and consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

### **Western Burrowing Owl**

According to the DEIR, western burrowing owl (BUOW) was documented within the Project site and suitable nesting and foraging habitat is located throughout the Project site and vicinity. The DEIR provides MM 4.4-11 to mitigate Project impacts to BUOW, which requires that a qualified biologist conduct preconstruction surveys following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFG 2012). MM 4.4-11 also requires establishment of no-disturbance buffers following the 2012 Staff Report and details the process of den excavation for potential, known, and occupied burrows. CDFW concurs with the portions of MM 4.4-11 pertaining to surveys and avoidance; however, CDFW does not concur with the approach for den designation (i.e., potential, known, occupied) and excavation. MM 4.4-11 notes that, "An established burrowing owl burrow no-disturbance buffer may be removed once the burrowing owl(s) is/are no longer using the burrow (redesignated as a potential burrow)" and that, "If potential burrowing owl burrows are detected any time of year, burrows may be excavated under the direct supervision of the Lead Biologist(s) without prior camera monitoring." This portion of MM 4.4-11 insinuates that known burrowing owl dens would be able to be excavated at any time of year once a qualified biologist determines the den is no longer occupied. CDFW does not concur with this approach and is concerned that excavation of recently occupied burrows would have a

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strong potential to result in significant impacts to the species and potentially unauthorized take absent an ITP. As such, CDFW recommends that, in the event a BUOW individual or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

### **Crotch's Bumble Bee**

According to the DEIR, Crotch's bumble bee (CBB) has a high potential to forage and moderate potential to nest on the Project site. The DEIR provides MM 4.4-18 to mitigate Project impacts on CBB, which requires preconstruction surveys for CBB following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023b). If active CBB nests are detected, the measure requires establishment of a 50-foot no-disturbance buffer around the nest and, once the nest is determined to be inactive, allows Project activities in the buffer to resume. Lastly, MM 4.4-18 requires the proponent to consult with CDFW regarding take authorization if avoidance of an active CBB nest is infeasible.

CDFW concurs with the portion of MM 4.4-18 requiring preconstruction surveys for CBB. However, due to the difficulty of locating all CBB nests in a given area, if nesting or foraging CBB is detected, immediate consultation with CDFW is recommended to establish an appropriate avoidance area and ensure Project-related activities would avoid unauthorized take absent an ITP. As such, CDFW recommends the FEIR include the following measures:

#### **Recommended Mitigation Measure 5: CBB Avoidance and Consultation**

If CBB is detected, CDFW recommends that all small mammal burrows and thatched/bunch grasses be initially avoided by a minimum of 50 feet to avoid take and potentially significant impacts until CDFW can be consulted regarding an appropriate avoidance area. Any detection of CBB prior to or during construction warrants consultation with CDFW to discuss how to avoid take, regardless of time of year.

#### **Recommended Mitigation Measure 6: CBB Take Authorization**

If take of CBB 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.

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### **American Badger and Desert Kit Fox**

Both American badger (AMBA) and desert kit fox (DKF) have a high potential to occur within the Project site according to the DEIR. During biological surveys conducted in support of the DEIR, AMBA sign as well as one DKF individual and numerous DKF dens were observed. The DEIR provides MM 4.4-12 to mitigate Project impacts on AMBA and DKF, which requires the lead biologist to evaluate the status of any dens found during preconstruction surveys. MM 4.4-12 prohibits construction activities within 50 feet of any active AMBA dens and 100 feet of any active DKF dens. However, MM 4.4-12 allows collapse of dens that are determined to be inactive, apparently during any time of year.

CDFW concurs with the portion of MM 4.4-12 prohibiting Project activities within 50 feet and 100 feet of active AMBA and DKF dens, respectively. However, CDFW does not recommend collapsing any known dens (i.e., any dens that are currently used or have been used at any time in the past) during the pupping season, even if they are determined to be inactive at any given time. Both American badger and kit foxes change dens often, including during the pupping season. As such, CDFW recommends the FEIR include the following measure:

#### **Recommended Mitigation Measure 7: AMBA/DKF Dens Collapse Consultation**

CDFW recommends prohibiting collapse of any known AMBA or DKF den, whether it is determined to be active or inactive, during the respective pupping seasons for each species. CDFW also recommends that collapse of any known AMBA or DKF dens occur in consultation with CDFW.

### **Alkali Mariposa Lily**

During botanical surveys conducted in support of the DEIR, approximately 31,647 alkali mariposa lily (AML) individuals were documented within the Project site. The DEIR provides MM 4.4-6 to mitigate Project impacts to AML, which requires the proponent to prepare a Habitat Mitigation Plan for AML if the Project would eliminate (i.e., permanently impact) more than 10% of the local population. The Habitat Mitigation Plan would include identification of locations on- or off-site where AML would be preserved, restored, or enhanced; methods for preservation, restoration, enhancement, and/or translocation; an appropriate replacement/mitigation ratio; a 5-year monitoring program; adaptive management and remedial measures; and financial assurances and a mechanism for conserving mitigation lands in perpetuity, among other components.

The DEIR specifically limits permanent impacts on AML to areas where impermeable surfaces would be installed or where ongoing vegetation clearing would be needed (e.g., interior roads, areas around the BESS facility, etc.). Conversely, the DEIR

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describes temporary impacts on AML as those occurring where Project activities will temporarily disturb the ground surface (e.g., grading, mowing), including areas underneath the solar arrays. As a result, the DEIR determines approximately 3.7–3.9% of AML individuals would be permanently impacted, while 65.2–88.3% of individuals would be temporarily impacted, and concludes that the overall permanent impact of the Project on the local AML population is anticipated to be low and well below the 10% threshold identified in MM 4.4-6.

CDFW does not concur with the DEIR's conclusions pertaining to AML. In arid desert environments, CDFW often considers construction and operations-related disturbances, including the type of ground and vegetation disturbance necessary to install and maintain solar arrays, to have the potential to result in permanent impacts to special-status species, including special-status plants. Thus, based on the information provided in the DEIR, CDFW concludes that Project impacts on AML are potentially significant and recommends the following:

#### **Recommended Mitigation Measure 8: AML Habitat Mitigation Plan**

CDFW recommends the Project implement MM 4.4-6 and prepare a Habitat Mitigation Plan for AML. CDFW recommends removing the 10% threshold from the measure. It is recommended that the Habitat Mitigation Plan be developed in coordination with CDFW.

#### **Recommended Mitigation Measure 9: AML Avoidance**

CDFW recommends the Project avoid AML to the greatest extent feasible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population or specific habitat type required by AML. CDFW recommends these buffers be implemented in areas that would not be directly impacted by Project activities.

Further, given the large number of AML individuals anticipated to be impacted by the Project and to better inform the development of the Habitat Mitigation Plan, CDFW asserts that a more thorough analysis of potential impacts to AML is warranted in the FEIR. CDFW recommends the FEIR provide a detailed description of the type and intensity of ground disturbance in areas where AML is present, an evaluation of how solar arrays are expected to alter physical characteristics underneath and around them (i.e., sunlight, moisture, etc.), and a comprehensive analysis of the anticipated effects of Project activities and infrastructure on AML based on the species' specific habitat requirements. CDFW notes, for instance, that bulldozing has been shown to create unfavorable soil conditions for desert plants and increase colonization of invasive grasses compared to mowing (Grodsky et al. 2020); and installation of solar panels creates shade, diverts runoff, and may result in altered microhabitats surrounding the panels, which has had varied effects on desert vegetation depending on the plant community and soil characteristics (Tanner et al. 2020).

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

**Wildlife Friendly Fencing:** The DEIR includes MM 4.4-4 (p.) to facilitate wildlife movement and permeability through the Project site. MM 4.4-4 (p.) states that, “To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site after construction, the permanent perimeter security fence shall be a wildlife friendly design that meets the goals of allowing wildlife to move freely through the project site during operation, leaving 4- to 7-inch openings or portals in the fence or the fence shall be raised 4 to 7 inches above the ground leaving a gap between the fence mesh and the ground. In the latter case the bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.” CDFW concurs with incorporating wildlife friendly fencing as part of the final Project design but does not concur with allowing the use of portals in lieu of having perimeter fencing with a continuous gap. The use of portals would increase the potential for predation as species such as DKF attempt to escape predators and need to move quickly through the Project boundary. As such, CDFW recommends that perimeter fencing be designed to allow for passage of small and medium-sized wildlife, while impeding the passage of larger predators such as coyotes. Perimeter fencing should be installed with a four (4) to six (6) inch gap from the bottom of the fencing material and knuckled back to form a smooth edge and allow permeability for wildlife. Perimeter fencing should have this gap installed continuously along the bottom of all perimeter fencing (i.e., permeable portals should not be utilized).

**Cumulative Impacts:** Currently, the DEIR has a very broad analysis of cumulative impacts to biological resources and does not adequately evaluate impacts to specific resources. As such, the conclusions reached in the cumulative impacts analysis are not supported by substantial evidence, and the analysis lacks sufficient rigor and transparency to adequately develop reasonable and feasible measures to reduce harm. This is especially concerning given the DEIR’s finding that cumulative impacts on biological resources would be significant and unavoidable. To address this, CDFW recommends that the FEIR conduct a cumulative impact analysis for all specific biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

**Lake and Streambed Alteration:** The DEIR identifies 40 stream and/or hydrologic features within the Project site, totaling 17.92 acres and 74,468 linear feet, that may be

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subject to CDFW jurisdiction. The DEIR also provides MM 4.4-23, which requires the Project proponent to consult with CDFW and notify prior to impacting these features. CDFW concurs with MM 4.4-23 and notes that Project activities that will substantially change or use any material from 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 or dispose of 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 prior to issuance of a Final 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 Final 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.

**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.

## 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>.

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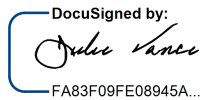
## FILING FEES

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

## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 2) 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 1 (NOP Comment Letter)  
Attachment 2 (MMRP)

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

Mark Tolentino, Planner III  
Kern County Planning and Natural Resources Department  
June 15, 2026  
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**Attachment 1**  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**NOP COMMENT LETTER**

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

**SCH No.: 2025081409**



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**  
**CHARLTON H. BONHAM, Director**



October 6, 2025

Mark Tolentino, Planner III  
Kern County  
Planning and Natural Resources Department  
2700 "M" Street, Suite 100  
Bakersfield, California 93301  
(661) 862-5041  
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**Subject: Galaxy Solar PV and Storage Project (Project)**  
**Notice of Preparation (NOP)**  
**State Clearinghouse No. 2025081409**

Dear Mark Tolentino:

The California Department of Fish and Wildlife (CDFW) received a NOP 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.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is necessary for scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Early consultation with CDFW is recommended if an ITP for fully protected species may be pursued for this Project.

**Nesting Birds:** CDFW has jurisdiction over actions with the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or 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:** Galaxy Solar Storage, LLC (Terra-Gen)

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**Objective:** The Project proposes to construct a photovoltaic (PV) solar facility with associated infrastructure necessary to generate up to 600 megawatts (MW) of renewable electrical energy with up to 4 gigawatt-hours (GWh) (approximately 1,000 MW) of energy storage capacity on an approximate 3,400-acre Project site. Project infrastructure includes an operations and maintenance (O&M) facility, telecommunication facilities, energy storage system(s), an onsite collector substation, and a temporary laydown yard. The proposed Project also includes an approximately 10 mile generation-tie (gen-tie) line, on poles of a maximum height of 250 feet, to connect the Project to the existing Southern California Edison (SCE) Windhub Substation and a tap station or switchyard.

**Location:** The proposed Project site is located in Kern County at the northern edge of the Antelope Valley, approximately 6 miles southeast of the community of Mojave, approximately 8 miles northeast of the community of Rosamond, and approximately 8 miles northwest of the main base of Edwards Air Force Base. The proposed project is located within the Bissell and Sanborn U.S. Geological Survey 7.5-minute quadrangles, and spans multiple Townships, Ranges, and Sections including the following: Townships 10 and 11 North, Range 11 West, and Sections 3, 4, 8, 9, 28, and 32-34. Portions of the Project is located just south of State Route 58 and on both sides of the Burlington Northern Santa Fe Railway.

## 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 Draft Environmental Impact Report (DEIR) prepared for this Project.

As stated in the NOP, the proposed Project site is relatively flat, undeveloped land in the Mojave Desert within the Antelope Valley, with site elevation ranging between 2,460 and 2,900 feet above sea level. Desert vegetation dominates the regional landscape of the proposed Project area and includes Mojave desert scrub (creosote bush scrub, cheesebush scrub, and Joshua tree woodland alliances) and non-native grassland. Based on a review of the Project description, California Natural Diversity Database (CNDDDB) records, and aerial imagery of the Project site and surrounding habitat, the Project is within the geographic range of and could potentially impact several special-status animal species including, but not limited to, 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 fully protected golden eagle (*Aquila chrysaetos*); the State candidate western burrowing owl (*athene cunicularia hypugaea*) and Crotch's bumblebee (*bombus crotchii*); the State species of special concern American badger (*Taxidea taxus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Le Conte's thrasher (*Toxostoma*

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*lecontei*), loggerhead shrike (*Lanius ludovicianus*), long-eared owl (*Asio otus*), and short-eared owl (*Asio flammeus*); the State watch list prairie falcon (*Falco mexicanus*) and California horned lark (*Eremophila alpestris actia*); and the State protected furbearing mammal desert kit fox (*Vulpes macrotis arsipus*).

The Project is also within the geographic range of several special-status plant species, including, but not limited to, the State candidate western Joshua tree (*Yucca brevifolia*); the CRPR 1B.1 Horn's milk-vetch (*Astragalus hornii* var. *hornii*) and pale-yellow layia (*Layia heterotricha*); the CRPR 1B.2 alkali mariposa lily (*Calochortus striatus*), Barstow woolly sunflower (*Eriophyllum mohavense*), recurved larkspur (*Delphinium recurvatum*), Latimer's woodland-gilia (*Saltugilia latimeri*) and desert cymopterus (*Cymopterus deserticola*); and the CRPR 1B.3 southern Sierra monardella (*Monardella linoides* ssp. *anemonoides*) and Tehachapi monardella (*Monardella linoides* ssp. *Oblonga*).

To support the adequate assessment of potential impacts to biological resources in the DEIR, CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project site and surrounding area, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site.

CDFW recommends this initial work be documented within the DEIR and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used in the DEIR to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game Code, and other applicable State and federal laws and regulations.

## **Desert Tortoise**

The Project site is within the known geographic range of desert tortoise (DT) and there are multiple historical occurrences within the Project site and surrounding area (CDFW 2025). DT are most common in desert scrub, desert wash, and Joshua tree habitats (CDFW 2018a). Based on aerial imagery, the Project site consists almost entirely of desert scrub communities which have the potential to support DT. CDFW recommends that protocol DT surveys be conducted following the protocol contained in "Preparing for any action that may occur within the range of the desert tortoise (*Gopherus agassizii*)" (USFWS 2019) as part of the biological studies conducted in support of the DEIR. Survey results should be submitted to CDFW. If an individual DT or potential DT 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

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Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b).

### **Mohave Ground Squirrel**

The Project site is within the historic range of Mojave ground squirrel (MGS) and there are multiple occurrences within the Project site and surrounding area (CDFW 2025). Suitable MGS habitat includes all broadly described plant communities in the western Mojave Desert including saltbush scrub, creosote bush scrub, western Joshua tree woodland, and sagebrush scrub (Gustafson 1993). Based on aerial imagery, the Project site consists almost entirely of desert scrub communities which may have the potential to support MGS.

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of the biological technical studies conducted in support of the DEIR. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for MGS following the methods described in the Mohave Ground Squirrel Survey Guidelines (CDFW 2023a). Because of the large size of the Project site, CDFW recommends that the Project applicant propose a surveying methodology for CDFW review and approval prior to initiation of protocol surveys. It is also recommended that the results of these surveys be submitted to CDFW for evaluation. 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).

### **Swainson's Hawk**

The Project is within the known geographic range of Swainson's hawk (SWHA). SWHA are known to travel for miles to forage, exhibit high nest-site fidelity year after year, and lack of suitable nesting habitat in the Antelope Valley and the Kern County portion of the Mohave Desert limits their local distribution and abundance (CDFW 2016). Based on aerial imagery, the Project site and adjacent areas may contain suitable habitat for SWHA nesting and foraging.

As SWHA have the potential to use the Project site, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA 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) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following minimization measures:

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### **Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction**

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys, following the SWHA Survey Protocol, be repeated the survey season immediately prior to construction.

### **Recommended Mitigation Measure 2: SWHA Avoidance Buffer**

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

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

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

### **Recommended Mitigation Measure 4: Loss of SWHA Foraging Habitat**

CDFW recommends compensation for the loss of SWHA foraging habitat as described in 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 (California Energy Commission 2010) to reduce impacts to foraging habitat to less than significant. The SWHA survey protocol recommends that plans for mitigating loss of SWHA foraging habitat be mitigated by providing 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.

## **Golden Eagle**

The Project site is within the known geographic range of golden eagle (GOEA) and there are several documented occurrences of GOEA in the Project vicinity (CDFW 2025). GOEA are known to inhabit open areas with large trees, utility towers, and cliffs

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for nesting (Pagel et al. 2010). These habitat features may be present near the Project site, and as such, CDFW recommends that a qualified biologist conduct a habitat assessment to determine whether suitable GOEA nesting habitat is present within the Project site or vicinity. If suitable nesting habitat is identified, CDFW recommends incorporating survey methods outlined in the Protocol for the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (Pagel et al. 2010). If a GOEA nest 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) if certain conditions are met (see Fish & G. Code §2081.15).

### **Western Burrowing Owl**

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

The Project site is within the known geographic range of BUOW, and there are numerous recent and historical occurrences located within and adjacent to the Project site (CDFW 2025). BUOW typically inhabit open grasslands and desert scrublands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also use “man-made burrows” such as pipes or culverts. Based on aerial imagery the Project site and adjacent areas likely contain suitable habitat for BUOW nesting and foraging.

As there is a strong likelihood that BUOW could be impacted by Project activities, CDFW recommends assessing presence/absence of BUOW on the Project site, as well as a 500-meter buffer surrounding the Project site, by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFG 2012) as part of the biological studies conducted in support of the DEIR.

In addition to conducting BUOW surveys, CDFW recommends the DEIR include the following measures:

#### **Recommended Mitigation Measure 5: BUOW Surveys Prior to Construction**

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

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### **Recommended Mitigation Measure 6: BUOW Avoidance Buffer**

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

### **Recommended Mitigation Measure 7: BUOW Take Authorization**

If a BUOW individual or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

### **Crotch's Bumble Bee**

The Project site is within the known geographic range of the State candidate Crotch's bumble bee (CBB) and there are multiple historical occurrences near the Project Site (CDFW 2025). CBB inhabit a variety of habitats, including grasslands, scrublands, openings in woodlands, and areas with bare ground such as vacant lots, dirt roads, and levees (Xerces Society et al. 2018). CBB use requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, which may be present in or near the Project site.

As CBB may be present within the Project site, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs should be documented as part of the assessment. If suitable habitat is identified, CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023b) as part of the biological studies conducted in support of the DEIR.

In addition to conducting a CBB habitat assessment and surveys, CDFW recommends the DEIR include the following measures:

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### **Recommended Mitigation Measure 8: CBB Surveys Prior to Construction**

Depending on the time between the initial survey efforts, if potentially suitable habitat is identified and regardless of what time of year Project activities will be conducted, CDFW recommends that a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023b).

### **Recommended Mitigation Measure 9: CBB Avoidance**

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

### **Recommended Mitigation Measure 10: CBB Take Authorization**

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

## **American Badger**

The Project site is within the known geographic range of American badger (AMBA) and there are several documented occurrences near the Project site (CDFW 2025). AMBA occupies sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et al. 1990). Based on aerial imagery, the Project site potentially contains habitat suitable for AMBA.

CDFW recommends that a qualified biologist assess the presence/absence of AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of AMBA, consultation with the CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

## **Desert Kit Fox**

The Project Site is within the known geographic range of desert kit fox (DKF) and this species is known to inhabit sparsely vegetated scrub habitats within the California desert that support small mammal populations (McGrew 1979). Based on aerial

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imagery, the Project Site appears to have suitable habitat for DKF denning and foraging. CDFW recommends that a qualified biologist assess the presence/absence of DKF by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of DKF, consultation with the CDFW is recommended for guidance on take avoidance measures.

### **Townsend's Big-eared Bat**

The Project site is within the known geographic range of Townsend's big-eared bat and there are a number of historical occurrences in the vicinity of the Project site (CDFW 2025). CDFW recommends that a qualified biologist assess the presence/absence of Townsend's big-eared bat by conducting a habitat assessment as part of the biological studies conducted in support of the DEIR. If potentially suitable habitat is identified, consultation with CDFW is recommended for guidance on developing Project-specific and species-specific survey methodology to be conducted as part of the biological technical studies.

### **Special-Status Plants**

CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018b). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. Please note that adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special status plants in the surveyed area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude presence or identification of special status plants in any given year. Visiting the survey site in more than one year increases the likelihood of detection. If special-status plants are identified during surveys, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation. 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. Additional focused survey recommendations for western Joshua tree (WJT) are provided below.

### **Western Joshua Tree**

According to aerial imagery and the Project NOP, WJT is confirmed to be present within the Project Site. CDFW recommends that a qualified botanist conduct focused WJT

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surveys to identify the locations, number, and health of individuals as part of the biological technical studies conducted in support of the DEIR. WJT is a candidate threatened species under CESA. 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 has enacted the Western Joshua Tree Conservation Act (WJTCA) which aims to provide protection of WJT and provides another permitting mechanism for the incidental take of WJT. For unavoidable impacts, CDFW recommends consultation with CDFW and obtaining appropriate take authorization under CESA.

### **Recommended Mitigation Measure 11: WJT Take Authorization**

If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA. Additionally, the Project also has the option to obtain take authorization through issuance of a WJTCA ITP, pursuant to Fish and Game Code section 1927.3.

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

**Battery Energy Storage System Evaluation:** The proposed Project includes installation of a 4 GWh (approximately 1000 MW) battery energy storage system (BESS) on the Project site. CDFW is aware of recent catastrophic fires resulting from lithium-ion BESS operations at BESS facilities within California. As such, these BESS systems warrant a careful evaluation for potential fire-related impacts to biological resources within and surrounding the Project site, particularly within nearby natural habitats. Lithium-ion BESS fires can release an array of toxic chemicals into the air (Mylenbusch et al. 2023). In addition to potential human health concerns, these emissions may also impact air quality for nearby wildlife, and harmful particulate matter may settle into soils or waterways, possibly affecting soil-dwelling organisms, burrowing mammals, and aquatic life. Concentrations of toxic gases and particulates may be highest in the immediate vicinity of the fire, and the risk of explosion exists, making the area hazardous for firefighters. Further, the use of water for fire suppression is not always appropriate and may exacerbate the fire.

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

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evaluate multiple alternatives that avoid and minimize potential impacts to biological resources.

**Wildlife Friendly Fencing:** CDFW recommends that all fencing installed on the perimeter of the solar Project be designed to allow for passage of small and medium-sized wildlife, while impeding the passage of larger predators such as coyotes. Perimeter fencing should be installed with a four (4) to six (6) inch gap from the bottom of the fencing material and knuckled back to form a smooth edge and allow permeability for wildlife.

**Cumulative Impacts:** CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of this Project's incremental contribution to habitat loss and past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. The cumulative impacts analysis should specifically include all past, present, and foreseeable renewable energy projects in the Antelope Valley area. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

**Lake and Streambed Alteration:** Based on a review of aerial photography, the Project site contains numerous streams and associated hydrologic features, and certain stream features, such as alluvial fans and desert washes, may be difficult to delineate using field verification only. Project activities that will substantially change or use any material from 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 or dispose of 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 prior to issuance of a Final 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

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subsequent CEQA analysis may be necessary for Final 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.

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

The Project site and vicinity are known to support many species of nesting birds, including Le Conte's thrasher, loggerhead shrike, long-eared owl, short-eared owl, prairie falcon, and California horned lark. 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 prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also 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 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.

**CNDDDB:** Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat features capable of

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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.

**Artificial Lighting:** Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends that the DEIR for the Project include an analysis of artificial lighting as it relates to biological resources and incorporate enforceable mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting is not installed in or directed towards ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

**Project Alternatives Analysis:** CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analyses conducted in support of the Project's DEIR be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

## 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

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be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

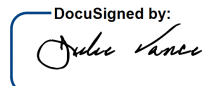
## FILING FEES

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 NOP 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 Ren Cotter, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 767-0956, or by electronic mail at [Ren.Cotter@wildlife.ca.gov](mailto:Ren.Cotter@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...  
Julie A. Vance  
Regional Manager

Attachment (MMRP)

ec: State Clearinghouse  
Land Use and Climate Innovation  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

Ren Cotter  
California Department of Fish and Wildlife

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**Attachment 1**  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM**  
**(MMRP)**

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

**SCH No.: 2025081409**

| <b>RECOMMENDED MITIGATION MEASURE</b>                                   | <b>STATUS/DATE/INITIALS</b> |
|-------------------------------------------------------------------------|-----------------------------|
| <i>Before Disturbing Soil or Vegetation</i>                             |                             |
| SWHA                                                                    |                             |
| Recommended Mitigation Measure 1:<br>SWHA Surveys Prior to Construction |                             |
| Recommended Mitigation Measure 3:<br>SWHA Take Authorization            |                             |
| Recommended Mitigation Measure 4:<br>SWHA foraging habitat mitigation   |                             |
| BUOW                                                                    |                             |
| Recommended Mitigation Measure 5:<br>BUOW Surveys Prior to Construction |                             |
| Recommended Mitigation Measure 7:<br>BUOW Take Authorization            |                             |
| CBB                                                                     |                             |
| Recommended Mitigation Measure 8:<br>CBB Surveys Prior to Construction  |                             |
| Recommended Mitigation Measure 10:<br>CBB Take Authorization            |                             |
| WJT                                                                     |                             |
| Recommended Mitigation Measure 11:<br>WJT Take Authorization            |                             |
| <i>During Construction</i>                                              |                             |
| SWHA                                                                    |                             |
| Recommended Mitigation Measure 2:<br>SWHA Avoidance Buffer              |                             |
| BUOW                                                                    |                             |
| Recommended Mitigation Measure 6:<br>BUOW Avoidance Buffer              |                             |
| CBB                                                                     |                             |
| Recommended Mitigation Measure 9:<br>CBB Avoidance                      |                             |

# Attachment 2

**Attachment 2**  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM**  
**(MMRP)**

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

**SCH No.: 2025081409**

| <b>RECOMMENDED MITIGATION MEASURE</b>                                   | <b>STATUS/DATE/INITIALS</b> |
|-------------------------------------------------------------------------|-----------------------------|
| <i>Before Disturbing Soil or Vegetation</i>                             |                             |
| MGS                                                                     |                             |
| Recommended Mitigation Measure 1:<br>MGS Protocol Surveys               |                             |
| SWHA                                                                    |                             |
| Recommended Mitigation Measure 2:<br>SWHA Foraging Habitat Mitigation   |                             |
| LETH                                                                    |                             |
| Recommended Mitigation Measure 3:<br>LETH Preconstruction Surveys       |                             |
| Recommended Mitigation Measure 4:<br>LETH Avoidance and Consultation    |                             |
| CBB                                                                     |                             |
| Recommended Mitigation Measure 5:<br>CBB Avoidance and Consultation     |                             |
| Recommended Mitigation Measure 6:<br>CBB Take Authorization             |                             |
| AMBA/DKF                                                                |                             |
| Recommended Mitigation Measure 7:<br>AMBA/DKF Den Collapse Consultation |                             |
| AML                                                                     |                             |
| Recommended Mitigation Measure 8:<br>AML Habitat Mitigation Plan        |                             |
| <i>During Construction</i>                                              |                             |
| LETH                                                                    |                             |
| Recommended Mitigation Measure 4:<br>LETH Avoidance and Consultation    |                             |
| CBB                                                                     |                             |
| Recommended Mitigation Measure 5:<br>CBB Avoidance and Consultation     |                             |
| AMBA/DKF                                                                |                             |
| Recommended Mitigation Measure 7:<br>AMBA/DKF Den Collapse Consultation |                             |

|                                                    |  |
|----------------------------------------------------|--|
| AML                                                |  |
| Recommended Mitigation Measure 9:<br>AML Avoidance |  |