State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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Redding, CA 96001
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GAVIN NEWSOM, Governor
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January 15, 2026

Elisabeth Towers
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Subject: Review of RCPA Battle Creek Bottom Road Solar Project, Use Permit 24-0009, State Clearinghouse Number 2025090229

Dear Elisabeth Towers:

The California Department of Fish and Wildlife (CDFW) has reviewed the revised Initial Study and Mitigated Negative Declaration (ISMND), dated December 19, 2025, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project pursuant to the California Environmental Quality Act (CEQA) Guidelines[1].

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, 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.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.)

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Project Description

As outlined in the referral packet, the proposed Project is described as follows:

"RPCA Solar 14, LLC has applied for Use Permit (UP 23-0009) for an approximately 25-acre solar generation facility that would generate up to 3 megawatts (MW) of alternating current and 5 MW of direct current energy. The project will interconnect to Pacific Gas and Electric Company's (PG&E) existing electrical distribution system located adjacent to the site. The project will utilize approximately 8,721 solar modules and 40 string inverters. The solar modules will be mounted to a steel racking system which will be anchored to the ground using driven steel piers. The overall height of the array will be no more than 15 feet above ground surface."

Comments and Recommendations

CDFW offers the following comments and recommendations to assist the Lead Agency in adequately identifying, avoiding, and minimizing potentially significant, direct, and indirect impacts on biological resources with the implementation of the Project.

<u>CESA Species</u>

During early consultation and commentary on the initial ISMND, CDFW recommended that the following CESA-listed, which have potential to occur within or near the Project parcel, be assessed and/or surveyed by a qualified professional using species-specific protocols recommended below prior to the development and release of the CEQA document:

1. <u>Bald Eagle</u>

   Bald eagle (*Haliaeetus leucocephalus*) is endangered pursuant to the California Endangered Species Act (CESA), and according to the BRA, "*Suitable [bald eagle] nesting habitat is present in and adjacent to the Project Area, and suitable foraging habitat is present in the pond northeast of the Project Area, as well as North Fork Battle Creek and* *other ponds, within 1-2 miles of the Project Area."* CDFW appreciates the inclusion of a focused bald eagle survey within the revised ISMND. However, the proposed survey includes only one survey effort, with a buffer of only 50 feet around the Project site.

CDFW reiterates that supplemental species-specific surveys should be conducted for special status species with potential to occur prior to Project approval and repeats its recommendation (**Recommendation #1**) that focused bald eagle surveys be prepared and completed by a qualified biologist using CDFW's 2010 Bald Eagle Breeding Survey Instructions[2] and guidance from United States Fish and Wildlife Service's (USFWS) 2004 Protocol for Evaluating Bald Eagle Habitat and Populations in California[3] in order to determine the presence or absence of bald eagles on or near the Project site, as well as their use of the site, and to determine the potential for direct and indirect impacts to breeding, nesting, or foraging behaviors from Project construction and operation.

USFWS's Protocol for Evaluating Bald Eagle Habitat and Populations in California recommends to "*consider habitats up to one-quarter to one-half mile (conservative) from proposed activity, distances typically used to buffer nesting eagles from disturbances* (MBEWG 1986)." According to the more recent National Bald Eagle Management Guidelines[4], USFWS recommends a non-disturbance buffer of 660 feet for projects larger than 1/2 -acre. Therefore, the survey buffer for nesting bald eagles should be a minimum of 660 feet, where suitable habitat exists.

The Bald Eagle Breeding Survey Instruction and the Protocol for Evaluating Bald Eagle Habitat and Populations in California call for three separate surveys to establish the presence or absence of bald eagle nests:

"*After an initial survey (late February through March), additional surveys should be conducted in mid-nesting season (late April through May) and late in the season (early June to early July). Bald eagle behavior around nest sites changes during the course of the nesting season, and detectability may improve at some sites as the nesting season progresses. For instance, nestling caloric requirements are greatest around the midnesting season (i.e., greatest weight gain; see Bortolotti 1984a); as a result, adults make more foraging flights to and from nests in*

[2] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83706&inline
[3] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83707&inline
[4] https://www.aphis.usda.gov/sites/default/files/EaglePrtctnGuidance.pdf

this period. In the late nesting season, large nestlings are often highly visible as they exercise their wings and branch out of the nest; and adults tend to perch less often in the nest and more often in conspicuous sentry or pilot perches. In addition, a season's coating of nestling whitewash is often very conspicuous at this time."

CDFW recommends the Lead Agency to incorporate the above guidelines into the final environmental document in order to avoid and/or mitigate potential impacts to CESA listed species.

2. Chinook Salmon

Central Valley spring-run evolutionarily significant unit (ESU; *Oncorhynchus tshawytscha*; CESA threatened) and Sacramento River winter-run ESU (*Oncorhynchus tshawytscha*; CESA endangered) of Chinook Salmon exist in the North Fork Battle Creek and may access the reach of stream adjacent to the Project parcel. A wetland and aquatic resources delineation was not performed or mapped for the Project parcel, as recommended (**Recommendation #2**) by CDFW during early consultation and in comments made on the initial MND, so CDFW cannot concur that direct and indirect impacts to Chinook Salmon by Project construction, operation, and maintenance will be avoided, minimized, and/or mitigated. For instance, if seasonal drainages or wetlands exist on the Project parcel downslope of the Project site, grading, trenching, vegetation removal, and maintenance activities may impact the hydraulic characteristics and water quality of these features, which may in turn impact aquatic organisms in North Fork Battle Creek.

Other Special Status Species

SSC status applies to animals generally not listed under ESA or CESA, but which nonetheless are declining at a rate that could result in listing or have historically occurred in low numbers and known threats to their persistence exist. SSCs should be considered during the environmental review process, and the BRA submitted for the Project states on page 18 that a CEQA impact threshold would be evaluated in terms of the Project having "*a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species…*"

The BRA also states that, "*Results of the CNDDB and IPaC searches returned 23 special-status wildlife species known to occur within the two-mile/nine-quad* *search radius of the Project Area (CDFW 2024a; USFWS 2024a). Of these, three have moderate potential to occur within the Project Area and 20 are not expected to occur due to a lack of suitable habitat, or the site is outside of the species' known range. As such, these 20 species were removed from further consideration."* As stated in early consultation and in commentary on the initial ISMND, CDFW believes that additional special status species warrant additional consideration for their potential to occur and/or use the site.

1. <u>Sharp-shinned Hawk</u>

   Sharp-shinned hawk (*Accipiter striatus*, CDFW watch list) has experienced population declines, in part due to habitat loss and fragmentation. The species also exhibits shy and secretive behaviors, and frequently uses densely canopied forests, making them hard to document and monitor. BIOS indicates that the Project site falls within sharp-shinned hawk winter range, and multiple sharp-shinned hawk observations have been recorded on eBird in Manton. Aerial imagery shows that there is potentially suitable foraging habitat for sharp-shinned hawks on or near the Project site and on January 8, 2026, a member of the public submitted a photo to CDFW of a sharp-shinned hawk taken from a neighboring parcel. CDFW recommended that the BRA include an assessment of the potential of sharp-shinned hawk use of the Project site (**Recommendation #3**), and a discussion of any direct or indirect impacts to the species.

2. <u>Yellow Warbler</u>

   Yellow warbler (*Setophaga petechia*, CDFW SSC) has experienced population declines, in part due to habitat loss and degradation. BIOS indicates that the Project site falls within yellow warbler range and predicted habitat and multiple recent observations have been recorded on eBird between Manton and Shingletown. Aerial imagery shows that there is potentially suitable habitat for yellow warbler to occur on the Project parcel or near the Project site. CDFW recommended that the BRA include an assessment for the potential of yellow warbler to use the Project site (**Recommendation #4**), and a discussion of any direct or indirect impacts that may occur.

3. Central Valley Steelhead

   Central Valley distinct population segment (DPS; *Oncorhynchus mykiss irideus pop. 1*; ESA threatened; CDFW SSC) of Steelhead Trout have experienced massive population declines, in part due to habitat loss, habitat modification, and water quality degradation. Central Valley Steelhead Trout DPS exist in the North Fork Battle Creek and may access the reach of stream adjacent to the Project parcel. A wetland and aquatic resources delineation was not performed or mapped for the Project parcel, as recommended by CDFW (see **Recommendation #2**) during early consultation and in comments made on the initial MND, so CDFW cannot concur that direct and indirect impacts to Central Valley Steelhead by Project construction, operation, and maintenance will be avoided, minimized, and/or mitigated. For instance, if seasonal drainages or wetlands exist on the Project parcel downslope of the Project site, grading, trenching, vegetation removal, and maintenance activities may impact the hydraulic characteristics and water quality of these features, which may in turn impact aquatic organisms in North Fork Battle Creek.

CDFW cannot concur with the Project that will have a less-than-significant impact, either directly or through habitat modifications and other Project activities, on any species identified as special status without a complete assessment of special status species that may occur at the Project site or be impacted by the Project. CDFW recommends that the Lead Agency require, at minimum, that the project proponent conduct biological assessments evaluating the potential of the above-listed species to use the Project site, and the likelihood of them being impacted, either directly or indirectly, by Project construction, operation, and maintenance (**Recommendations #2, 3, & 4**).
Jurisdictional Waters and Wetlands

The Project site is located within the Battle Creek Watershed and slopes south towards North Fork Battle Creek, which is directly adjacent to the Project parcel and approximately 750-800 feet from the Project site. The revised ISMND indicates that a formal aquatic resource delineation has not been performed for the Project parcel, but rather cites the *Vernal Pools, Wetlands, and Waterways Map of Shasta County*, prepared by the Geographic Information Center, California State University, Chico, an historical document prepared in 1996 that is not readily available to the public and was not included in the ISMND package for review. This resource alone is not adequate to determine the presence or absence of wetland or drainage features on the Project parcel that could be impacted by upland Project activities.

The Battle Creek watershed exhibits unique hydrology. Much of the annual water charge permeates through volcanic strata as cold springs that contribute stable flows for biological resources throughout the year. During early consultation, CDFW strongly recommended that a delineation of all wetlands, vernal pools, lakes, streams (including seasonal drainages), and any associated riparian habitats (as defined by the State of California) be performed for the Project parcel (see **Recommendation #2**). A corresponding impact analysis was also requested to be included for any potentially affected wetlands, lakes, streams, and riparian habitat found on and adjacent to the Project site. CDFW considers impacts to any wetlands (as defined by CDFW) as potentially significant and discourages disturbance, staging, and development in these sensitive areas.

Without an aquatic delineation of Project parcel, Project proponents may inadvertently impact aquatic resources such as ephemeral drainages or wetlands, which may in turn impact North Fork Battle Creek, where special status species occur. Without the provision of such a delineation, CDFW cannot comment as to how aquatic resources may be impacted by Project construction and operation.

Low Impact Development

The Project area is adjacent to suitable habitat for aquatic special status species. CDFW recommends the implementation of low impact development[5] (LID) strategies (**Recommendation #5**) to prevent a net-increase in stormwater runoff from new development**.** LID strategies may include permeable pavement, vegetated stormwater bio-swales and retention basins to treat, retain, and infiltrate stormwater runoff onsite. These LID strategies are typically designed to prevent project-generated stormwater runoff from exceeding that of a 100-year storm event to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and outflow of toxic pollutants such as 6PPD-quinone, a chemical contaminant derived from vehicle tires that is suspected to negatively impact aquatic organisms. Ideally, post-project stormwater runoff volume, rate, and duration will match pre-project conditions, and hydro-modification would not occur as a result of the Project. CDFW supports the use of LID strategies because they minimize impacts to aquatic habitats by filtering out pollutants, decreasing peak flows, minimizing erosion, and increasing ground water recharge.

[5] https://www.waterboards.ca.gov/water_issues/programs/low_impact_development/

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit[6] must be obtained if the Project has the potential to result in "take" (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code, section 2081, subdivision (b)(2).

Lake and Streambed Alteration Agreement

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

To obtain information about the 1602 Notification process, please access the Lake and Streambed Alteration Program[7].

Submitting Data

CEQA requires that information developed in environmental documents 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 this Project's surveys to CNDDB. For additional information about submitting data, please see Submitting Data to the CNDDB[8].

[6] https://wildlife.ca.gov/Conservation/CESA/Permitting
[7] https://wildlife.ca.gov/Conservation/Environmental-Review/LSA
[8] https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

Promoting Collaboration

CDFW is dedicated to preserving and protecting California's diverse ecosystems and wildlife. To that end, we maintain a strong commitment to collaborate with our local counterparts. We look forward to continuing our partnership with the Lead Agency to implement comprehensive avoidance, minimization and mitigation strategies that benefit California's sensitive biological resources. We appreciate the collaborative efforts that have taken place thus far and are eager to further align our regulatory frameworks to enhance conservation outcomes. CDFW staff are available to attend site visits and begin early consultation for CESA-related impacts.

Environmental Document Filing Fees

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

Recommendation Summary

Recommendation #1: Conduct focused bald eagle using CDFW's 2010 *Bald Eagle Breeding Survey Instructions* and guidance from United States Fish and Wildlife Service's 2004 *Protocol for Evaluating Bald Eagle Habitat and Populations in California* in order to determine the presence or absence of bald eagles on or near the Project site, as well as their use of the site, in order to determine impacts.

Recommendation #2: Prepare a Jurisdictional Waters and Wetlands Report that delineates all wetlands, vernal pools, lakes, streams (including seasonal drainages), and any associated riparian habitats (as defined by the State of California) for the Project parcel in order to assess direct and indirect impacts to these habitats and the species that may reside in them.

Recommendation #3: Prepare a biological assessment of the potential for sharp-shinned hawk to use the Project parcel and discuss any direct or indirect impacts that may occur as a result of Project construction, operation, and maintenance.

Recommendation #4: Prepare a biological assessment for the potential for yellow warbler to use the Project parcel and discuss any direct or indirect impacts that may occur as a result of Project construction, operation, and maintenance.

Recommendation #5: Implement LID strategies to prevent a net-increase in stormwater runoff from new development. LID strategies may include permeable pavement, vegetated stormwater bio-swales and retention basins to treat, retain, and infiltrate stormwater runoff onsite.

Conclusion

CDFW staff appreciate the opportunity to comment and assist the Lead Agency in identifying potentially significant Project impacts on biological resources. If you have any questions, please contact Helen Bowman, Senior Environmental Scientist (Specialist) by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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