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SUBJECT: Mitigated Negative Declaration for the Pronghorn Solar and Storage Project, SCH No. 2025100976; Unincorporated Los Angeles County

Dear Christopher Keating:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the Pronghorn Solar and Storage Project (Project), which has been proposed by Los Angeles County (County) on behalf of Pronghorn Solar Plus, LLC (Project Proponent).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the County obtain appropriate authorization under the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Project Proponent: Pronghorn Solar Plus, LLC.

Objective: The objective of the Project is to construct a 234-acre utility-scale photovoltaic (PV) solar energy generation and battery energy storage system (BESS). The Project would generate up to 50 megawatts of solar power and storage.

Location: The Project is located near the intersection of 90th Street E and East Avenue L, approximately 10 miles east of State Route 14, in unincorporated Los Angeles County in the Antelope Valley. The Project sites are composed of four parcels, designated by Assessor’s Parcel Numbers (APN) 3378-003-001, 3378-004-008, 3376-006-012, and 3376-001-035.

Project Description: The Project specifically includes the construction of the PV solar array fields, collection lines, internal roadways, access driveways, BESS, and a substation.

Project Access

Construction and operation crews would access the Project Site from 90th Street E and E Avenue K.

PV Module Configuration

The Project would use PV panels to convert sunlight into electricity. Individual panels would be installed on single-axis tracker mounting systems. The panels would rotate from east to west to follow the sun over the course of the day. At the maximum tilt angle, the panels could stand up to 15 feet high.

Substation

The substation would be located on 90th Street E across from the BESS. It would occupy approximately 20,000 square feet and would be secured by a chain-link fence. Energy from the inverters at the PV facility site would be transferred to the substation via underground 34.5 kilovolt collection lines (approximately 1.1 miles in length). Collection lines may be bundled together as they approach the substation, sharing common trenches. The collection line from the PV facility to the substation would be

located within a 10-foot-wide corridor and primarily within the existing 90th Street E road right-of-way.

BESS

The BESS component of the Project would be located across 90th Street E from the proposed Project substation and would cover approximately 1.75 acres. The BESS would provide up to 50 megawatts of storage capacity. The maximum height of a dedicated structure is not expected to exceed 14 feet.

Project Site Security and Fencing

The PV facility and substation would each be enclosed within a chain link fence measuring up to eight feet in height (from finished grade). The BESS facility would be enclosed within an approximately 10-foot-tall perimeter block wall.

Project Site Lighting

Nighttime lighting would provide operations and maintenance personnel with illumination for both normal and emergency operating conditions. The minimum lighting needed to ensure workers' safety and security on-site would be provided. Project lighting would be compliant with the County's Rural Outdoor Lighting District requirements, with all nighttime lighting shielded and directed downward to minimize glare or spillover onto adjacent properties.

Water Use

A maximum of 85 acre-feet (AF) of water would be required during construction for soil conditioning and dust suppression.

During operations, solar PV facilities require minimal water use. Water would be used primarily for washing panels and landscape irrigation. Water would also be used for dust suppression, as needed, during maintenance activities. No regular water use is anticipated for the BESS and/or the substation. The annual water consumption for operations of the facility is expected to be approximately 3.25 acre-feet per year (AFY). The total water use over the 30-year life of the Project is approximately 183 AF. Water is anticipated to be obtained from existing on-site wells.

Three 10,000 gallon above-ground water storage tanks would be installed onsite adjacent to the BESS facility. Three additional 10,000 gallon above-ground tanks would also be installed for the solar panel array. The storage tanks would be sized in accordance with County and fire department requirements.

Landscaping

Areas along the public right of ways would be landscaped with desert willow and honey mesquite trees. Existing vegetation would be retained, where feasible, along the 90th Street E frontage road.

Biological Setting:

The southern portion of the PV solar facility consists of two large, recently plowed, agricultural fields with barren ground devoid of vegetation. These fields are periodically used to plant crops and are irrigated. The northern portion of the Project, where the proposed BESS and substation would be located, consists of partially disturbed open land, with Creosote bush (*Larrea tridentata*) to the west and an abandoned water pump station to the east. The collection line that would connect the PV solar facility to the substation would be along 90th Street East, a paved two-lane road.

The Project sites have the potential to support a variety of sensitive wildlife species, including, Southern California legless lizard (*Anniella stebbinsi*; California Species of Special Concern (SSC)), golden eagle (*Aquila chrysaetos*; Fully Protected (FP); Watch List (WL)), Crotch's bumble bee (*Bombus crotchii*; CESA candidate), burrowing owl (*Athene cunicularia*; CESA candidate), Swainson's hawk (*Buteo swainsoni;* CESA-listed endangered), LeConte's thrasher (*Toxostoma lecontei;* SSC), loggerhead shrike (*Lanius ludovicianus*; SSC), mountain plover (*Charadrius montanus*; SSC), ferruginous hawk (*Buteo regalis*; CDFW Watch List Species (WL)), prairie falcon (*Falco mexicanus*; WL), short-eared owl (*Asio flammeus*; SSC), California horned lark (*Eremophila alpestris actia*; WL), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL), and merlin (*Falco columbarius*; WL). Additionally, the Project sites have the potential to support several common native and nonnative bird species, such as western meadowlark (*Sturnella neglecta*), white-crowned sparrow (*Zonotrichia leucophrys*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), California quail (*Callipepla californica*), mourning dove (*Zenaida macroura*), greater roadrunner (*Geococcyx californianus*), mountain bluebird (*Sialia currucoides*), and red-tailed hawk (*Buteo jamaicensis*).

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

Two special status plant and tree species have a high potential to occur in the Project area that are state-listed and have a California Rare Plant Rank (CRPR). These species include western Joshua trees (*Yucca brevifolia*; CESA candidate) and Mojave monardella (*Monardella exilis*; California Rare Plant Rank 4; CNPS 2025).

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Comment #1: Impacts to Swainson's Hawk

Issue: The Project may adversely impact Swainson's hawk nesting and foraging habitat.

Specific impacts: Swainson's hawks are regularly observed nesting and foraging throughout the Lancaster area. Project may result in the loss of nesting and foraging habitat for this CESA-listed raptor species.

Why impacts would occur: According to the MND, the Project area contains 47.85 acres of potential foraging habitat and suitable nesting trees that will be directly impacted. The tamarisk and Joshua trees provide potential nesting sites for migratory birds including Swainson's hawk and other raptor species. According to CNDDB, Swainson's hawks have been documented nesting adjacent to the study site (CDFW 2025c).

The MND does not provide avoidance measures to minimize the impacts to Swainson's hawk, despite nesting and foraging habitat present within the Project area. Protocol-level focused surveys (CDFW 2010) were also not conducted for Swainson's hawk. Project activities, absent appropriate surveys and avoidance and minimization measures, could result in injury or mortality to unidentified Swainson's hawks. Construction activities could also result in a loss of foraging habitat.

Evidence impacts would be significant: Consistent with CEQA Guidelines, section 15380, the status of Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, the population had declined to an estimated 375 pairs (CDFW 2016). The decline was primarily due to habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016).

CDFW considers a Swainson's hawk nest active if it has been used at least once within the past five years. CDFW also considers impacts to suitable nesting or foraging habitat, or to individual birds, within a five-mile radius of an active nest to be potentially

significant under CEQA. Based on this information, the proposed Project could result in significant impacts to Swainson's hawk by:

- Reducing the number or restricting the range of the species;
- Contributing to the abandonment of active nests;
- Resulting in the loss of critical foraging habitat within an established territory; and/or,
- Resulting in "take" as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommends that the County revise the MND to fully disclose the presence of suitable nesting and foraging habitat for Swainson's hawk within the Project Area and analyze the potential for significant impacts to this CESA-listed species. The MND should incorporate feasible, enforceable mitigation measures to avoid, minimize, and fully mitigate impacts to Swainson's hawk, consistent with CEQA Guidelines, sections 15064 and 15126.4. Without this information, the environmental document may not provide a sufficient basis for evaluating potential impacts or for issuance of an ITP under Fish and Game Code section 2018.

Recommendation #1: CEQA Analysis. CDFW's issuance of an Incidental Take Permit for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the Lead Agency/Project Proponent for the Project. However, additional documentation may be required as part of an Incidental Take Permit application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate take of CESA-listed species. To minimize additional requirements by CDFW, pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's MND should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the Incidental Take Permit.

Mitigation Measure #1: Protocol Level Surveys. CDFW released guidance for Swainson's hawk entitled *Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California1* (2010). The Project Proponent shall conduct focused surveys for Swainson's hawk in accordance with the 2010 guidance and disclose the results in the Project's MND. Survey results, including negative findings, shall be submitted to CDFW and the County prior to implementing any Project ground-disturbing activities.

[1] California Department of Fish and Wildlife. June 2, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline

Mitigation Measure #2: Incidental Take Permit. If Swainson's Hawk is detected the Project Proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the County prior to implementing Project ground-disturbing activities and vegetation removal.

MM-BIO-10: Mitigation Measure Revision. CDFW recommends that MM-BIO-10 is revised to incorporate the underlined language for Swainson's hawk and omit the language in strikethrough:

Swainson's Hawk Foraging Habitat Preservation. To compensate for the loss of Swainson's hawk foraging habitat, the Applicant will purchase credits at a CDFW-approved mitigation bank. The credits will be provided at a ratio based on coordination with CDFW. ~~the quality of the mitigation land relative to the impacted habitat on the Project site. The ratio of such compensation will be determined as follows:~~

- ~~A ratio of one acre of preservation land for each three acres of impacted foraging habitat if the preservation lands support higher quality foraging habitat that is within five miles of potential nesting habitat.~~
- ~~A ratio of one acre of preservation land for each two acres of impacted foraging habitat if the replacement land is unoccupied irrigated land that is within five miles of potential nesting habitat and provides higher quality foraging habitat.~~
- ~~A ratio of one acre of preservation land for each one acre of impacted foraging habitat if the preservation land provides similar foraging habitat and is within five miles of potential nesting habitat.~~

The Project is within the CDFW-approved Petersen Ranch Mitigation Bank service area, and the bank has been approved to sell Swainson's hawk credits. The Applicant will purchase credits prior to the issuance of the grading permit for the Project. Proof of the purchase of the credits will be provided to County Planning and CDFW for confirmation.

Comment #2 Impacts to Crotch's Bumble Bee

CDFW recommends that the County revise the MND to more fully disclose the presence of suitable habitat, analyze potential impacts, and incorporate enforceable mitigation measures for Crotch's bumble bee. Without this information, the environmental document may not provide a sufficient basis for evaluating potential impacts to this CESA candidate species under CEQA.

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document. These measures are intended to address gaps in the environmental analysis and ensure compliance with CEQA, which requires

feasible mitigation for significant impacts to biological resources (CEQA Guidelines, §§ 15064, 15126.4).

Issue: The Project may adversely impact Crotch's bumble bee.

Specific impacts: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities may cause death or injury to adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: According to California's Natural Diversity Database (CNDDB), there have been historical observations of Crotch's bumble bee throughout the Antelope Valley (CDFW 2025a). In addition to regional observations, the Project area lies within the home range of Crotch's bumble bee (CDFW 2025a). Crotch's bumble bee may fly throughout the County and utilize areas that have suitable nesting habitat and floral resources. Crotch's bumble bee primarily nests from late February through late October, underground in abandoned small mammal burrows. With small mammal burrows present on the Project sites, suitable habitat for Crotch's bumble bee is present. Crotch's bumble bee may also nest under perennial bunch grasses, thatched annual grasses, brush piles, as well as in old bird nests, dead trees, or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or areas under leaf litter or other debris (Williams et al. 2014).

The MND does not address the potential presence of Crotch's bumble bee or provide species-specific measures to reduce impacts to less than significant if present during Project activities. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of the colony, disrupt breeding success, and/or lead to nest abandonment in areas within and adjacent to the Project sites. Potential habitat loss, as a result of the proposed Project, may also reduce foraging habitat for this species in the broader landscape as development increases throughout the County.

Evidence impacts would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project sites. In addition, Crotch's bumble bee has a state ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate

of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommends that the County revise the MND to more fully disclose the presence of suitable habitat for Crotch's bumble bee, analyze potential impacts, and incorporate enforceable mitigation measures. Without this information, the environmental document may not provide a sufficient basis for evaluating potential impacts to this CESA candidate species under CEQA. To address these gaps and ensure compliance with feasible mitigation for significant impacts to biological resources (CEQA Guidelines, §§ 15064, 15126.4), CDFW requests that the following recommendations are incorporated into the final CEQA document.

Recommendation #2: Habitat Assessment. The MND should be revised to provide a discussion on habitat suitability for Crotch's bumble bee within and adjacent to the Project sites. The discussion should also disclose the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.

Recommendation #3: CEQA Analysis. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the County for the Project's impacts to Crotch's bumble bee (see Recommendation #1).

Mitigation Measure #3: Protocol Level Surveys. The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the Project sites during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the County prior to implementing Project ground-disturbing activities.

Mitigation Measure #4: Incidental Take Permit. If Crotch's bumble bee is detected the Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent

shall provide a copy of a fully executed take authorization to the County prior to implementing Project ground-disturbing activities and vegetation removal.

Comment #3: Impacts to Western Burrowing Owl

Issue: The Project may adversely impact burrowing owl.

Specific impacts: The Project may result in the loss of foraging and nesting habitat for burrowing owl. Project activities may result in loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, constituting a significant impact on this imperiled species.

Why impacts would occur: According to the MND, the Project area contains suitable habitat and burrowing owl feathers were observed along the southwest portion of the agricultural field. According to CNDDB, burrowing owls have been documented nesting within a 2.5-mile radius of the study sites (CDFW 2025b).

Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings.

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

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

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommends that the County revise the MND to clearly identify suitable habitat for burrowing owl, analyze potential impacts, and incorporate enforceable mitigation measures. Without this information, the environmental document may not adequately support impact analysis for this CESA candidate species under CEQA. To address these concerns and ensure compliance with CEQA requirements for mitigating significant impacts to biological resources (CEQA Guidelines, §§ 15064, 15126.4), CDFW requests this recommendation and the following recommendations and mitigation measures be included in the final CEQA document.

Recommendation #4: Protocol Level Surveys. CDFW released guidance for burrowing owls titled *2012 Staff Report on Burrowing Owl Mitigation2*. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the CDFW 2012 guidance, with the results disclosed in the Project's MND and additional mitigation measures provided for the Project.

Mitigation Measure #5: Incidental Take Permit. If burrowing owl is detected, the Project Proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the County prior to implementing Project ground-disturbing activities and vegetation removal.

MM-BIO-4: Mitigation Measure Revision. CDFW recommends that MM-BIO-4 is revised to incorporate the underlined language for burrowing owl and omit the language in strikethrough:

Pre-Construction Burrowing Owl Survey. Prior to the initiation of construction or decommissioning activities, a qualified biologist shall conduct preconstruction surveys for burrowing owl to determine presence/absence of the species. The survey shall be conducted in accordance with the most current CDFW protocol and shall include at least two surveys conducted at least seven days apart, with the first survey occurring no more than 14 days prior to initiating construction activities that may result in a direct or indirect impact to burrowing owl and the second survey occurring no more than 48 hours prior to prior to initiating construction activities that might result in a direct or indirect impact to burrowing owl. These surveys will ~~within 30 days of site disturbance to~~ determine whether the burrowing owl is present at the site. Preconstruction surveys shall include suitable burrowing owl habitat within the Project footprint and within 500 ~~feet~~ meters of the project footprint (or within an appropriate buffer as required in the most recent guidelines and where legal access to conduct the survey exists). If burrowing owls are not detected during the clearance survey, no additional mitigation is required.

If an occupied burrow is detected, the applicant shall immediately inform the California Department of Fish and Wildlife (CDFW) and a ~~160-foot~~ 500-meter no-disturbance buffer shall be maintained between the Project activities and the occupied area. The owl will be monitored daily by the Biological Monitor (MM-BIO-3) until it has left the site on its own volition. Construction work may proceed within the no-disturbance buffer after the owl has left the site. Results of the surveys and monitoring shall be provided to the County of Los Angeles Regional Planning and CDFW. If sufficient no-disturbance buffers cannot be established, artificial burrows could be used as replacement burrows

[2] California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843

on- or off-site (i.e., in the off-site Swainson's hawk mitigation land). However, no take of burrowing owl shall occur without prior authorization in the form of an Incidental Take Permit (ITP) pursuant to California Fish and Game Code Section 2081. If impacts to burrowing owl cannot be feasibly avoided through implementation of the no-disturbance buffer, the applicant will consult with CDFW and obtain appropriate take authorization through the California Endangered Species Act ITP process.

Comment #4: Impacts on the western Joshua tree

Issue: The Project may adversely impact western Joshua tree.

Specific impacts: Project implementation and decommissioning include grading and vegetation clearing activities, which may result in direct mortality, population declines, or local extirpation of the western Joshua tree.

Why impacts would occur: The Project proposes to remove several western Joshua trees. The Project will also impact western Joshua tree seedbank by eliminating and modifying the habitat which will impact soil moisture availability and drainage patterns. Grading and topsoil removal will significantly impact the seedbank. Project activities that do not minimize disturbance to vegetation and soil could result in population declines, or local extirpation of sensitive plant species.

Evidence impacts would be significant: The western Joshua tree is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 et seq.). Take of western Joshua tree is defined as any activity that results in the removal of a western Joshua tree, or any part thereof, or impacts the seedbank surrounding one or more western Joshua trees (CDFW 2023). The western Joshua tree is granted full protection as a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts on western Joshua tree require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommends that the County revise the MND to incorporate enforceable mitigation measures for this CESA candidate species under CEQA. To address these concerns and ensure compliance with CEQA requirements for mitigating significant impacts to biological resources (CEQA Guidelines, §§ 15064, 15126.4), CDFW

requests the following:

MM-BIO-1: Mitigation Measure Revision. CDFW recommends that MM-BIO-1 is revised to incorporate the underlined language for western Joshua tree and omit the language in strikethrough:

Western Joshua Tree Fee Payment. The Permittee shall coordinate with CDFW to obtain an Incidental Take Permit (ITP) for removal of western Joshua trees through the Western Joshua Tree Conservation Act or the California Endangered Species Act prior to project activities. If an ITP is obtained through the Western Joshua Tree Conservation Act, then the Permittee shall provide mitigation ~~Mitigation~~ for direct impacts to all applicable western Joshua tree individuals will be fulfilled through payment of the elected fees as described in Section 1927.3 of The Western Joshua Tree Conservation Act. ~~In conformance with the fee schedule, mitigation will consist of payment of $2,500 for each western Joshua tree five meters or greater in height, $500 for trees 1 meter or greater but less than 5 meters in height and $340 for each western Joshua tree less than 1 meter in height.~~ CDFW determines the final fee for mitigation for each western Joshua tree. Alternatively, mitigation will occur through off-site conservation or through a CDFW-approved mitigation bank, or as required by a Section 2081 Incidental Take Permit~~, if received~~.

Comment #5: Impacts to American badger

Issue: The Project could impact American badger, an SSC, during Project construction.

Specific impacts: Impacts to American badger could occur both during the construction of the Project and the operation and maintenance of the Project post-construction.

Why impacts would occur: This Project's biological assessment did not consider impacts to American badger based on field surveys and habitat assessment. American badger will use agricultural areas as many areas of traditional habitat have been converted to farmland (Victoria 2024). The Project is comprised of, and adjacent to agricultural land that may be suitable habitat for the species. American badger home ranges are large and can range from 2 to 50 km^2 (Brehme et al. 2015). American badger can excavate suitable burrows in just one day (Brehme et al. 2015).

The MND states that Project construction would result in approximately 200 acres of disturbance to agricultural land, which may be potential habitat for American badger. The Project could result in the collapse of occupied burrows, and/or direct mortality or injury of the species.

Evidence impact would be significant: The American badger is designated a California SSC. SSC meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and

mitigation measures for impacts to sensitive or special status species can result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

To support CEQA compliance and inform future permitting decisions, CDFW recommends incorporating species-specific mitigation measures for American badger. Although not federally or state-listed, American badger is a California Species of Special Concern and meets the CEQA definition of a rate species under Section 15380. Given the species' wide-ranging behavior, ability to rapidly excavate burrows, and use of agricultural lands, pre-construction surveys and appropriate avoidance buffers are necessary to reduce the risk of direct mortality or disturbance to active dens. These measures will help ensure that potential impacts to American badger are adequately avoided or minimized, consistent with CEQA's requirements to reduce significant effects on sensitive species.

Mitigation Measure #6: American Badger Surveys. Project documentation does not propose mitigation measures to minimize potential significant impacts to American badger. CDFW strongly recommends the following Mitigation Measure to avoid significant impacts to American badger.

No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface disturbance, the Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of American badger individuals, dens, and sign. Project Proponent shall provide the results of the survey to CDFW prior to start of Project activities. If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Project Proponent shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results.

Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Project Proponent shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care.

COMMENT #6: Impacts to Southern California Legless Lizard

Issue: The Project could impact sensitive reptile and amphibian species such as the Southern California legless lizard.

Specific impacts: Project activities could result in direct injury or mortality (e.g., trampling, crushing) during vegetation and sediment removal. The Project may also result in loss of breeding and/or foraging habitat.

Why impact would occur: The Project area contains suitable habitat and high likelihood of occurrences for the Southern California legless lizard (Thomson et al. 2016). Southern California legless lizards occur in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine–oak woodland, desert scrub, open grassland, and riparian areas. Project activities have the potential to directly impact the habitat occupied by these species.

To ensure adequate detection and protection, focused surveys should be conducted prior to any work in the river and surrounding areas during the breeding season for maximum detection.

Evidence impact would be significant: Southern California legless lizard, is designated a California SSC. CEQA provides protection not only for ESA or CESA listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. SSC meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species can result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

To support CEQA compliance and inform future permitting decisions, CDFW recommends incorporating species-specific mitigation measures to Southern California legless lizard, a California Species of Special Concern which meets the CEQA definition of a rate species under Section 15380. This species occupies a variety of sparsely vegetated habitats, including those within the Project Area, and is vulnerable to injury or mortality during ground-disturbing activities. Focused surveys, exclusion measures, and response protocols for injured or deceased individuals are appropriate and feasible steps to reduce potential impacts. These measures will help ensure that the Project avoids or substantially lessens significant effects on sensitive species.

Recommendation #5: Additional Minimization Measure. CDFW recommends that the Project Proponent identify and implement measures that prevent Southern California legless lizards from accessing the construction area. These measures should be developed in coordination with CDFW and be implemented prior to ground-disturbing activities.

Mitigation Measure #7: Southern California legless lizard surveys. A qualified biologist shall be retained to conduct focused surveys for Southern California legless lizard, coastal whiptail, and coast horned lizard. Survey findings should be submitted to CDFW and USFWS prior to Project activities for review and approval. If Southern California legless lizard is observed, Project activities in their immediate vicinity should cease and individuals be allowed to leave the Project area on their own accord.

Mitigation Measure #8: Injured or Dead Wildlife. If any Southern California legless lizard, is harmed or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and the dead or injured wildlife will be documented. A report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal, and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and potential additional mitigation measures have been identified to prevent additional injury or death. All incidents should be tracked and summarized in a post-construction compliance report submitted to CDFW.

Comment #7: Impacts to desert kit fox

Issue: The Project could impact desert kit fox, furbearing mammal (Title 14 CCR, § 460), during the construction of the Project.

Specific impacts: Impacts to desert kit fox could occur both during the construction of the Project and the operation and maintenance of the Project post-construction. The Project could result in the collapse of occupied dens, and/or direct mortality or injury of desert kit fox.

Why impacts would occur: This Project's biological assessment did not consider impacts to desert kit fox based on field surveys and habitat assessment. The CNDDB provides a GIS data layer of the extent of "Kit Fox Predicted Habitat", which models the Project location as "High" predicted habitat.

According to the Center of Biological Diversity (2013), "the threats to the desert kit fox from habitat loss and degradation due to large-scale energy development and associated disease risk are immediate, significant, and have accelerated in recent years. With over 114,000 acres of desert kit fox habitat approved for large-scale industrial solar and wind development and close to 1 million acres of desert kit fox habitat currently under environmental review and under application for solar and wind development as of January 2013, it is clear that the desert kit fox faces an immediate and significant threat from habitat loss, degradation, and fragmentation."

Desert kit fox have been experiencing serious population declines that, if continued or resumed, could qualify it for State threatened or endangered status.

Evidence impact would be significant: The desert kit fox is a furbearing mammal that is protected from take by California Code of Regulations Title 14 CCR 460 and may be resident on the Project sites. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species can result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that the County revise the MND to evaluate the presence of suitable habitat for desert kit fox, analyze potential impacts, and incorporate enforceable, species-specific mitigation measures. As a furbearing mammal protected under the California Code of Regulations, Title 14, § 460, desert kit fox may be present within the Project area. The species is vulnerable to direct mortality, den disturbance, and habitat degradation. Without appropriate avoidance and minimization measures, the MND may not adequately support a finding of less-than-significance impacts under CEQA. To address these concerns and ensure consistency with CEQA Guidelines (§§ 15064, 15126.4), CDFW recommends the following mitigation measure be included in the final CEQA document:

Mitigation Measure #8: Desert Kit Fox Surveys. Project documentation does not propose mitigation measures to minimize potential significant impacts to desert kit fox. CDFW strongly recommends the following Mitigation Measure to avoid significant impacts to desert kit fox.

No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface disturbance, the Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox individuals, dens, and sign. Project Proponent shall provide the results of the survey to CDFW prior to start of Project activities. If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Project Proponent shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results.

Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Project Proponent shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care.

Comment #8: Nesting and Wintering Avian Species

Issue: The Project may impact a wide range of nesting and wintering avian species, including several designated as an SSC.

Specific impacts: Several sensitive species have been regularly observed nesting and foraging throughout the Antelope Valley area. The Project may potentially result in the loss of foraging and nesting habitat for mountain plover, ferruginous hawk, Cooper's hawk, sharp-shinned hawk, Bell's sage sparrow, turkey vulture, California horned lark, southern California rufous-crowned sparrow, golden eagle, long-eared owl, red-shouldered hawk, northern harrier, prairie falcon, loggerhead shrike and other migratory species. These impacts could result in increased nestling mortality and reduced reproductive success, representing a significant impact on these imperiled species. The Project may also result in loss of breeding and/or foraging habitat.

Why impacts would occur: The Project area contains suitable habitat and recently documented occurrences of nesting and wintering avian species, including observations recorded in CNDDB and regional bird surveys. Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. Vegetation proposed for removal, including Joshua trees and tamarisk trees, provides important nesting substrates, thermal cover, and foraging perches for migratory and raptor species. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. Such impacts may exceed CEQA thresholds for significant by contributing to nest failure, reproductive disruption, and habitat degradation for multiple special-status species. Mitigation Measure MM-BIO-5 may not (1) provide a sufficiently large buffer to avoid take, (2) commit adequate mitigation for the Project (particularly if take occurs), (3) adopt specific performance standards the mitigation will achieve, and/or (4) identify the type(s) of potential action(s) that can feasibly achieve the performance standard(s) to be considered, analyzed, and potentially incorporated in the mitigation measure (CEQA Guidelines, § 15126.4(a)(1)(B)).

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

An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- Is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- Is listed under the federal Endangered Species Act, but not CESA;

- Meets the State definition of threatened or endangered but has not formally been listed;
- Is experiencing, or formerly experienced, serious (non-cyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify the species for State threatened or endangered status; and/or,
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s) that, if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2025c).

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

Recommended Potentially Feasible Mitigation Measure(s):

To adequately reduce potential impacts to avian and special-status wildlife species, ensure consistency with CEQA Guidelines sections 15065, 15380, and 15126.4, and provide sufficient avoidance, minimization, and mitigation measures to support potential ITP issuance, CDFW recommends the following revision and analysis:

MM-BIO-5: Mitigation Measure Revision. CDFW recommends that MM-BIO-5 is revised to incorporate the underlined language for nesting birds and omit the language in strikethrough:

Pre-Construction Nesting Bird Survey. Project construction should be conducted in compliance with the conditions set forth in the MBTA and California Fish and Game Code to protect active bird/raptor nests. To the maximum extent feasible, vegetation removal should occur during the non-breeding season for nesting birds (generally late September to early March) and nesting raptors (generally early July to late January) to avoid impacts to nesting birds and raptors. If the project requires that work be initiated during the breeding season for nesting birds (~~March 1~~ February 15 –September 30) and nesting raptors (February 1–June 30), in order to avoid direct impacts on active nests, a pre-construction survey should be conducted in the Project site by qualified Biologists (approved by the County of Los Angeles Regional Planning) for nesting birds and/or raptors within three days prior to Project activities. If the Biologist does not find any active nests within or immediately adjacent to the impact areas, the vegetation clearing/construction work should be allowed to proceed.

If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist should delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. To protect any nest site, the following restrictions to construction activities should be required until nests are no longer active, as determined by a qualified Biologist (someone who has more than three years of experience of conducting nesting bird surveys and monitoring active nests during construction): (1) clearing limits should be established within a buffer around any occupied nest; and (2) access and surveying should be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified Biologist (someone who has more than five years of experience of conducting nesting bird surveys and monitoring active nests during construction). The buffer should be 100-300 feet for non-raptor nesting birds, 300 feet for highly sensitive species, and ~~300 –~~500 feet for nesting raptors. Construction can proceed into the buffer when the qualified Biologist has determined that the nest is no longer active.

Comment #9: Vegetation and Revegetation

Issue: The Project will have impacts to vegetation communities, including rubber rabbitbrush scrub and Mojave monardella, a special-status plant species.

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

Why impacts would occur: Project activities that do not minimize disturbance to vegetation and soil could result in population declines, or local extirpation of sensitive plant species. The traditional method of solar construction is “blade and grade”, which involves blading vegetation and grading, resulting in soil compaction. According to Karban et al. (2024), construction practices often include the removal of all native vegetation with “blade and grade”, causing redistribution of seeds that are stored in a soil seed bank. Many rare or special-status plant species are annuals that avoid disturbance with a dormant seed phase, so their persistence depends on seeds stored in undisturbed soils (Karban et al. 2024).

Evidence impacts would be significant: Per CEQA Guidelines, section 15065(a), a project may have a significant effect on biological resources if the project substantially reduces the habitat of a fish or wildlife species; threatens to eliminate a plant community; or has the potential to restrict the range of endangered, rare, or threatened species.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommends that the County revise the MND to further evaluate the Project's potential impacts on native vegetation communities and special-status plant species, including Mojave monardella. To ensure consistency with CEQA Guidelines sections 15065, 15380, and 15126.4, and to support the development of robust avoidance, minimization, and mitigation measures that may be necessary for future permitting decision such a potential ITP issuance, CDFW recommends the following revision and analysis. These recommendations are intended to strengthen the environmental analysis and ensure the Project's consistency with CEQA's requirements to avoid or substantially lessen environmental effects.

Recommendation #6: Additional Minimization Measure. The Project's minimization and avoidance measures do not constitute effective mitigation for the purposes of offsetting Project impacts associated with the loss of nesting and foraging habitat. CDFW recommends the Project Proponent consider an alternative construction method instead of the traditional "blade and grade" method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact ("drive and crush"). Leaving vegetation crushed with the "drive and crush" method, leaves roots intact and allows vegetation to more successfully regenerate. This alternative construction method can create an opportunity for vegetation to be left between panel rows and elsewhere to provide some habitat for desert-dwelling avian species and ameliorate some habitat effects (Karban et al. 2024).

Recommendation #7: Additional Landscape Buffers. To offset the loss of vegetation, CDFW recommends the County include landscape buffers of shrubs and trees for the Project along the entire fenced perimeter of each Project sites including the one BESS facility, and the two solar facilities. The Project, as currently proposed, only considers buffers along the western boundaries of the solar facilities.

Recommendation #8: Proposed Planting Palette for the Project. CDFW recommends the County's proposed planting palette for the landscape buffer also include additional California species deemed fire-resistant by County fire, such as common yarrow (*Achillea millefolium*), bladderpod (*Isomeris arborea*), quail bush (*Atriplex lentiformis breweri*), ocotillo (*Fouquieria splendens*), catclaw acacia (*Senegalia greggii*), brittle bush (*Encelia farinosa*), coast sunflower (*Encelia californica*), Prince's plume (*Stanleya pinnata*), coffeeberry (*Frangula californica*), hollyleaf cherry (*Prunus ilicifolia*), Creosote bush (*Larrea tridentata*), and rubber rabbishbrush (*Ericameria nauseosa*).

Recommendation #9: Proposed Planting Palette for the Revegetation of Decommissioning. CDFW recommends the County's proposed planting palette for the revegetation of decommissioning include species endemic to the region, such as Joshua tree (*Yucca brevifolia*), Mojave monardella (*Monardella exilis*), California poppy (*Eschscholzia californica*), yellowray goldfields (*Lasthenia glabrata*), desert saltgrass (*Distichlis spicata*), deerweed (*Acmispon glaber*), desert milkweed (*Asclepias erosa*), Acton encelia (*Encelia actonii*), Prince's plume (*Stanleya pinnata*), Nevada ephedra

(*Ephedra nevadensis*), winter fat (*Krascheninnikovia lanata*), and rubber rabbishbrush (*Ericameria nauseosa*).

Recommendation #10: Weed Management Plan. CDFW recommends the County develop a weed management plan for the Project area and implement it during construction and throughout the life of the Project. Soil disturbance, such as mowing or vegetation clearing around the PV solar panels, promotes the establishment of non-native weeds. Non-native weeds should be prevented from becoming established during and after construction to control the spread of invasive plants. The Project area should be monitored (via mapping) for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring the potential spread of invasive weeds onto adjacent lands should also be included.

Recommendation #11: Best Management Practices for Invasive Argentine Ants. CDFW recommends that any irrigation proposed by the County for the landscape buffers, routine PV solar panel washing, or for the revegetation of decommissioning drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. Irrigation should only be used if an individual plant is stressed and it should be limited to the first year (in the installation phase). Temporary or permanent irrigation should not be installed, because only individual plants under stress should be targeted for watering. Hand watering is preferred. If a temporary irrigation system must be installed it should not be connected to a water source and should not be on a timer. The water source (water truck) should only be connected to the irrigation system while it is in use. A system left on a timer should never be used as this creates an unnatural hydrologic regime and more robust growth than would normally be supported by the existing sites.

Comment #10: Impacts of Light-Emitting Diode (LED) Lights

Issue: The Project's installation of LED lights may impact a wide range of wildlife species.

Specific impacts: The installation of LED lights may impact wildlife movement and may result in reduced reproductive capacity, population declines, or local extirpation of rare, special-status, or threatened and endangered species.

Why impacts would occur: The MND states that LED lights would be installed at all driveway entrances, inverters, substation, and BESS facilities. Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms (Barrientos et al. 2023). These impacts are most pronounced with white or blue-rich lighting, which contains shorter wavelengths (below 560 nm) that are especially disruptive to nocturnal species. Without appropriate design features, such lighting may

extend into adjacent habitat areas, altering behavior, reproduction, and survival of wildlife species. To reduce lighting impacts on wildlife, fixtures should be fully shielded, downcast, and utilize long wavelength spectra (e.g., red or amber light) where feasible to avoid illumination of habitat areas outside of the Project area and minimize distribution to wildlife.

Evidence impacts would be significant: CDFW considers adverse impacts to wildlife and wildlife movement, for the purposes of CEQA, to be significant without mitigation or consideration of additional project design features. CDFW recommends that the MND specify mitigation that is proportionate to the level of impacts, consistent with CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, and 15065).

Recommended Potentially Feasible Mitigation Measure(s):

To minimize the potential adverse effects of artificial lighting on wildlife movement, reproduction, and habitat connectivity, and to ensure that mitigation measures are enforceable and consistent with CEQA Guidelines (reduce potential impacts of artificial lighting on wildlife and ensure consistency with CEQA Guidelines (§§ 15126.4(a)(4)(B), 15064, 15065), CDFW recommends the following:

Recommendation #12: Lighting Plan. To ensure that lighting-related impacts are adequately under CEQA, CDFW recommends that the final environmental document include a Lighting Plan, as a separate, enforceable mitigation measure. The Lighting Plan should evaluate lighting impacts on wildlife and other biological resources during both construction and operation. Methods to minimize adverse effects of artificial lighting may include using motion-activated fixtures outside, limiting fixtures to the lowest necessary lumen output, using full-shield fixtures (i.e., full cutoff so that no light is emitted above the 90-degree horizontal plane), directing light downward, and orienting lights toward the interior of the sites. These methods will minimize the light source from impacting wildlife species utilizing wildlife corridors between each fenced solar array area of the Project.

Where feasible, use of long-wavelength lighting (e.g., red or amber LEDs) is also encouraged, provided they are true monochromatic or narrow spectrum sources (i.e., minimal emissions below 560 nm). Long-wavelength red/amber light is less disruptive to many nocturnal species than white or blue-rich light. Together these measures will further reduce impacts on wildlife moving through corridors between fenced solar arrays by minimizing light trespass and glare.

Mitigation and Monitoring Reporting Plan

CDFW recommends the County adopt the mitigation measures and recommendations in this letter into the MND. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments

and recommendations to assist the County in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, and location), and (4) clear to ensure successful implementation through a mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

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

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., CNDDB) which may be used to inform subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, sub. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDB. The CNNDB field survey form can be filled out and submitted online (CDFW 2025d). Please visit CDFW online to access the types of information reported to CNDDB. Information on special status native plant populations and sensitive natural communities and the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2025e).

Filing Fees

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

Conclusion

CDFW appreciates the opportunity to comment on the MND and to support the County in identifying and mitigating Project impacts to biological resources. To ensure significant impacts are adequately mitigated to less-than-significant level, we recommend incorporating the feasible mitigation measures described above should be incorporated as enforceable conditions in the MND for the Project. CDFW requests the opportunity to coordinate with the County on responses to these comments prior to adoption of the final environmental document. We also request notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be directed to Mary Ngo[3], Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
Heather A. Pert
DF423498814B441...

11/21/2025

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South Coast Region

ec: California Department of Fish and Wildlife
Baron Barrera, Senior Environmental Scientist (Supervisory)
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Attachments

Attachment 1: Mitigation and Monitoring Reporting Plan

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Attachment 1: Mitigation and Monitoring Reporting Plan	Timing	Responsible Party
MM-BIO-1: Mitigation Measure Revision. CDFW recommends that MM-BIO-1 is revised to incorporate the underlined language for western Joshua tree and omit the language in strikethrough: **Western Joshua Tree Fee Payment**. The Permittee shall coordinate with CDFW to obtain an Incidental Take Permit (ITP) for removal of western Joshua trees through the Western Joshua Tree Conservation Act or the California Endangered Species Act prior to project activities. If an ITP is obtained through the Western Joshua Tree Conservation Act, then the Permittee shall provide mitigation ~~Mitigation~~ for direct impacts to all applicable western Joshua tree individuals will be fulfilled through payment of the elected fees as described in Section 1927.3 of The Western Joshua Tree Conservation Act. ~~In conformance with the fee schedule, mitigation will consist of payment of $2,500 for each western Joshua tree five meters or greater in height, $500 for trees 1 meter or greater but less than 5 meters in height and $340 for each western Joshua tree less than 1 meter in height.~~ CDFW determines the final fee for mitigation for each western Joshua tree. Alternatively, mitigation will occur through off-site conservation or through a CDFW-approved mitigation bank, or as required by a Section 2081 Incidental Take Permit~~, if received~~.	Prior to finalizing CEQA document; and, Prior to construction	Lead Agency; and, Project Proponent
MM-BIO-4: Mitigation Measure Revision. CDFW recommends that MM-BIO-4 is revised to incorporate the underlined language for burrowing owl and omit the language in strikethrough: **Pre-Construction Burrowing Owl Survey.** Prior to the initiation of construction or decommissioning activities, a qualified biologist shall conduct preconstruction surveys for burrowing owl to determine presence/absence of the species. The survey shall be conducted in accordance with the most current CDFW protocol and shall include at least two surveys conducted at	Prior to finalizing CEQA document; and, Prior to construction	Lead Agency; and, Project Proponent

least seven days apart, with the first survey occurring no more than 14 days prior to initiating construction activities that may result in a direct or indirect impact to burrowing owl and the second survey occurring no more than 48 hours prior to prior to initiating construction activities that might result in a direct or indirect impact to burrowing owl. These surveys will ~~within 30 days of site disturbance to~~ determine whether the burrowing owl is present at the site. Preconstruction surveys shall include suitable burrowing owl habitat within the Project footprint and within 500 ~~feet~~ meters of the project footprint (or within an appropriate buffer as required in the most recent guidelines and where legal access to conduct the survey exists). If burrowing owls are not detected during the clearance survey, no additional mitigation is required. If an occupied burrow is detected, the applicant shall immediately inform the California Department of Fish and Wildlife (CDFW) and a ~~160-foot~~ 500-meter no-disturbance buffer shall be maintained between the Project activities and the occupied area. The owl will be monitored daily by the Biological Monitor (MM-BIO-3) until it has left the site on its own volition. Construction work may proceed within the no-disturbance buffer after the owl has left the site. Results of the surveys and monitoring shall be provided to the County of Los Angeles Regional Planning and CDFW. If sufficient no-disturbance buffers cannot be established, artificial burrows could be used as replacement burrows on- or off-site (i.e., in the off-site Swainson's hawk mitigation land). However, no take of burrowing owl shall occur without prior authorization in the form of an Incidental Take Permit (ITP) pursuant to California Fish and Game Code Section 2081. If impacts to burrowing owl cannot be feasibly avoided through implementation of the no-disturbance buffer, the applicant will consult with CDFW and obtain appropriate take authorization through the California Endangered Species Act ITP process.		

MM-BIO-10: Mitigation Measure Revision. CDFW recommends that MM-BIO-10 is revised to incorporate the underlined language for Swainson's hawk and omit the language in strikethrough: **Swainson's Hawk Foraging Habitat Preservation.** To compensate for the loss of Swainson's hawk foraging habitat, the Applicant will purchase credits at a CDFW-approved mitigation bank. The credits will be provided at a ratio based on coordination with CDFW. ~~the quality of the mitigation land relative to the impacted habitat on the Project site. The ratio of such compensation will be determined as follows:~~ • ~~A ratio of one acre of preservation land for each three acres of impacted foraging habitat if the preservation lands support higher quality foraging habitat that is within five miles of potential nesting habitat.~~ • ~~A ratio of one acre of preservation land for each two acres of impacted foraging habitat if the replacement land is unoccupied irrigated land that is within five miles of potential nesting habitat and provides higher quality foraging habitat.~~ • ~~A ratio of one acre of preservation land for each one acre of impacted foraging habitat if the preservation land provides similar foraging habitat and is within five miles of potential nesting habitat.~~ The Project is within the CDFW-approved Petersen Ranch Mitigation Bank service area, and the bank has been approved to sell Swainson's hawk credits. The Applicant will purchase credits prior to the issuance of the grading permit for the Project. Proof of the purchase of the credits will be provided to County Planning and CDFW for confirmation	Prior to finalizing CEQA document; and, Prior to construction	Lead Agency; and, Project Proponent
Mitigation Measure #1: Protocol Level Surveys. CDFW released guidance for Swainson's hawk entitled *Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the*	Prior to finalizing CEQA document;	Lead Agency; and,

Antelope Valley of Los Angeles and Kern Counties, California4 (2010). The Project Proponent shall conduct focused surveys for Swainson's hawk in accordance with the 2010 guidance and disclose the results in the Project's MND. Survey results, including negative findings, shall be submitted to CDFW and the County prior to implementing any Project ground-disturbing activities.	Prior to construction	Project Proponent
Mitigation Measure #2: Incidental Take Permit. If Swainson's Hawk is detected the Project Proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the County prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to finalizing CEQA document; Prior to construction;	Lead Agency; and, Project Proponent
Mitigation Measure #3: Protocol Level Surveys. The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the Project sites during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the County prior to implementing Project ground-disturbing activities.	Prior to finalizing CEQA document	Lead Agency

4 California Department of Fish and Wildlife. June 2, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline

Mitigation Measure #4: Incidental Take Permit. If Crotch's bumble bee is detected the Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the County prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to finalizing CEQA document; and, Prior to construction	Lead Agency; and, Project Proponent
Mitigation Measure #5: Incidental Take Permit. If burrowing owl is detected, the Project Proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the County prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to finalizing CEQA document	Lead Agency
Mitigation Measure #6: American Badger Surveys. Project documentation does not propose mitigation measures to minimize potential significant impacts to American badger. CDFW strongly recommends the following Mitigation Measure to avoid significant impacts to American badger. No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface disturbance, the Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of American badger individuals, dens, and sign. Project Proponent shall provide the results of the survey to CDFW prior to start of Project activities. If potential dens are located, they shall be monitored by the Designated	Prior to finalizing CEQA document	Lead Agency

Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Project Proponent shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results. Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Project Proponent shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care.		
Mitigation Measure #7: Southern California legless lizard surveys. A qualified biologist shall be retained to conduct focused surveys for Southern California legless lizard, coastal whiptail, and coast horned lizard. Survey findings should be submitted to CDFW and USFWS prior to Project activities for review and approval. If Southern California legless lizard is observed, Project activities in their immediate vicinity should cease and individuals be allowed to leave the Project area on their own accord.	Prior to finalizing CEQA document	Lead Agency
Mitigation Measure #8: Injured or Dead Wildlife. If any Southern California legless lizard, is harmed or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and the dead or injured wildlife will be documented. A report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal, and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and potential additional mitigation measures have been identified to prevent additional injury or death. All incidents should	Prior to finalizing CEQA document	Lead Agency

be tracked and summarized in a post-construction compliance report submitted to CDFW.		
Recommendation #1: CEQA Analysis. CDFW's issuance of an Incidental Take Permit for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the Lead Agency/Project Proponent for the Project. However, additional documentation may be required as part of an Incidental Take Permit application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate take of CESA-listed species. To minimize additional requirements by CDFW, pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's MND should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the Incidental Take Permit.	Prior to finalizing CEQA document	Lead Agency
Recommendation #2: Habitat Assessment. The MND should be revised to provide a discussion on habitat suitability for Crotch's bumble bee within and adjacent to the Project sites. The discussion should also disclose the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.	Prior to finalizing CEQA document	Lead Agency
Recommendation #3: CEQA Analysis. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the County for the Project's impacts to Crotch's bumble bee (see Recommendation #1).	Prior to finalizing CEQA document	Lead Agency

Recommendation #4: Protocol Level Surveys. CDFW released guidance for burrowing owls titled *2012 Staff Report on Burrowing Owl Mitigation*[5]. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the CDFW 2012 guidance, with the results disclosed in the Project's MND and additional mitigation measures provided for the Project.	Prior to finalizing CEQA document	Lead Agency
Recommendation #5: Additional Minimization Measure. CDFW recommends that the Project Proponent identify and implement measures that prevent Southern California legless lizards from accessing the construction area. These measures should be developed in coordination with CDFW and be implemented prior to ground-disturbing activities.	Prior to finalizing CEQA document	Lead Agency
Recommendation #6: Additional Minimization Measure. The Project's minimization and avoidance measures do not constitute effective mitigation for the purposes of offsetting Project impacts associated with the loss of nesting and foraging habitat. CDFW recommends the Project Proponent consider an alternative construction method instead of the traditional "blade and grade" method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact ("drive and crush"). Leaving vegetation crushed with the "drive and crush" method, leaves roots intact and allows vegetation to more successfully regenerate. This alternative construction method can create an opportunity for vegetation to be left between panel rows and elsewhere to provide some habitat for desert-dwelling avian species and ameliorate some habitat effects (Karban et al. 2024).	Prior to finalizing CEQA document	Lead Agency
Recommendation #7: Additional Landscape Buffers. To offset the loss of vegetation, CDFW recommends the County include landscape buffers of shrubs and trees for the Project along the entire fenced perimeter of each	Prior to finalizing CEQA document	Lead Agency

5 California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843

Project sites including the one BESS facility, and the two solar facilities. The Project, as currently proposed, only considers buffers along the western boundaries of the solar facilities.		
Recommendation #8: Proposed Planting Palette for the Project. CDFW recommends the County's proposed planting palette for the landscape buffer also include additional California species deemed fire-resistant by County fire, such as common yarrow (*Achillea millefolium*), bladderpod (*Isomeris arborea*), quail bush (*Atriplex lentiformis breweri*), ocotillo (*Fouquieria splendens*), catclaw acacia (*Senegalia greggii*), brittle bush (*Encelia farinosa*), coast sunflower (*Encelia californica*), Prince's plume (*Stanleya pinnata*), coffeeberry (*Frangula californica*), hollyleaf cherry (*Prunus ilicifolia*), Creosote bush (*Larrea tridentata*), and rubber rabbishbrush (*Ericameria nauseosa*).	Prior to finalizing CEQA document	Lead Agency
Recommendation #9: Proposed Planting Palette for the Revegetation of Decommissioning. CDFW recommends the County's proposed planting palette for the revegetation of decommissioning include species endemic to the region, such as Joshua tree (*Yucca brevifolia*), Mojave monardella (*Monardella exilis*), California poppy (*Eschscholzia californica*), yellowray goldfields (*Lasthenia glabrata*), desert saltgrass (*Distichlis spicata*), deerweed (*Acmispon glaber*), desert milkweed (*Asclepias erosa*), Acton encelia (*Encelia actonii*), Prince's plume (*Stanleya pinnata*), Nevada ephedra (*Ephedra nevadensis*), winter fat (*Krascheninnikovia lanata*), and rubber rabbishbrush (*Ericameria nauseosa*).	Prior to finalizing CEQA document	Lead Agency
Recommendation #10: Weed Management Plan. CDFW recommends the County develop a weed management plan for the Project area and implement it during construction and throughout the life of the Project. Soil disturbance, such as mowing or vegetation clearing around the PV solar panels, promotes the establishment of non-native weeds. Non-native weeds	Prior to finalizing CEQA document	Lead Agency

should be prevented from becoming established during and after construction to control the spread of invasive plants. The Project area should be monitored (via mapping) for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring the potential spread of invasive weeds onto adjacent lands should also be included.		
Recommendation #12: Lighting Plan. To ensure that lighting-related impacts are adequately under CEQA, CDFW recommends that the final environmental document include a Lighting Plan, as a separate, enforceable mitigation measure. The Lighting Plan should evaluate lighting impacts on wildlife and other biological resources during both construction and operation. Methods to minimize adverse effects of artificial lighting may include using motion-activated fixtures outside, limiting fixtures to the lowest necessary lumen output, using full-shield fixtures (i.e., full cutoff so that no light is emitted above the 90-degree horizontal plane), directing light downward, and orienting lights toward the interior of the sites. These methods will minimize the light source from impacting wildlife species utilizing wildlife corridors between each fenced solar array area of the Project. Where feasible, use of long-wavelength lighting (e.g., red or amber LEDs) is also encouraged, provided they are true monochromatic or narrow spectrum sources (i.e., minimal emissions below 560 nm). Long-wavelength red/amber light is less disruptive to many nocturnal species than white or blue-rich light. Together these measures will further reduce impacts on wildlife moving through corridors between fenced solar arrays by minimizing light trespass and glare.	Prior to finalizing CEQA document	Lead Agency