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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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September 9, 2026

Renee Longman, Project Manager
California Energy Commission
715 P Street, MS 40
Sacramento, CA 95814
Renee.Longman@energy.ca.gov

Subject: Corby Battery Energy Storage System Project, Draft Environmental Impact Report, SCH No. 2025101073, Solano County

Dear Renee Longman:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the California Energy Commission (CEC) for the Corby Battery Energy Storage System Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted comments to the CEC in a letter dated November 10, 2025, in response to the Notice of a Preparation of the Draft EIR.

CDFW is taking this opportunity to provide comments and recommendations regarding proposed Project activities that may affect fish and wildlife resources of the State.

CDFW ROLE

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

The proposed Project would ordinarily require one or more discretionary approvals by CDFW because it may result in substantial adverse impacts to fish and wildlife resources such as

[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.

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Lake and Streambed Alteration (LSA) (Fish & G. Code, § 1602); and incidental take of species protected under the California Endangered Species Act (CESA). (*Id*., § 2081, subds. (b)-(c).) CDFW would typically submit comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) However, because the Project proponent opted into the Assembly Bill (AB) 205 certification process, the CEC has exclusive jurisdiction over the proposed Project and is responsible for ensuring any certification of the proposed Project includes all conditions necessary to ensure compliance with the Fish and Game Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code, §§ 25545.1, subd. (b), & 25545.5, subd. (a).) Thus, CDFW does not have a direct permitting role in the process that would ordinarily trigger a Responsible Agency role. CDFW instead submits these comments as a Trustee Agency under CEQA.

Pursuant to AB 205, the CEC and CDFW developed a coordination plan through a Memorandum of Understanding (MOU) to ensure that all potential impacts to fish, wildlife, and plant resources, and the habitats upon which they depend, including, but not limited to incidental take of species protected under CESA, are consistent with the Fish and Game Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code, § 25545.5, subd. (a).) The MOU also ensures timely and effective consultation between the CEC and CDFW with respect to any proposed CEC findings and actions regarding potential impacts to fish, wildlife, and plant resources. (*Ibid*.) CDFW is thus also submitting these comments in its **consultation role** under AB 205 and the MOU.

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: North Bay Interconnect, LLC, and Corby Energy Storage, LLC

Objective: The Project proposes to construct a 300-megawatt (MW)/1,200-megawatt-hour battery energy storage system (BESS) facility on an approximately 40.3-acre parcel. In addition to the BESS, the Project will include an associated substation, inverters and other ancillary facilities, such as fencing, a sound barrier, roads, an optional groundwater well, a water tank, stormwater retention basins, storage containers, and a supervisory control and data acquisition system. The Project will connect to the Pacific Gas and Electric Vaca-Dixon Substation via a 1.1-mile-long 230-kilovolt generation tie (gen-tie) line.

Location: The proposed Project is located southwest of the intersection of Kilkenny Road and Byrnes Road and southeast of the City of Vacaville in Solano County, California; Assessor's Parcel Number 0141-030-090. The Project site is located approximately 250 feet southeast of the City of Vacaville jurisdictional boundary and approximately 0.6 mile southeast of Interstate 80.

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Timeframe: The Project is anticipated to be built over an approximately 14-month period.

Consultation with CDFW: CDFW appreciates the opportunity to have engaged with CEC staff and the Project proponent in numerous meetings, phone calls and other communications, including, but not limited to, a pre-filing meeting on October 2, 2024, and a site visit on February 21, 2025. Consistent with the AB 205 interagency coordination plan required by Public Resources Code section 25545.5, CDFW and CEC met frequently to discuss the Project's data requests until the application was deemed complete by the CEC. CDFW and CEC then continued to meet to discuss mitigation measures such as a discussion on western burrowing owl (*Athene cunicularia hypugaea*) on October 31, 2025, discussions on Swainson's hawk (*Buteo swainsoni*) on January 27, 2026, February 4, 2026, February 25, 2026, April 2, 2026, and other discussions on August 10, 2026, and August 14, 2026. CDFW will continue to collaborate with, and provide support to, the CEC throughout the AB 205 certification process.

COMMENTS AND RECOMMENDATIONS

After reviewing the Draft EIR, CDFW has determined that the mitigation measures and Conditions of Certification (COC) as currently documented are sufficient to mitigate the Project's anticipated impacts to biological resources to a level below significance as determined by CEQA standards. CDFW will continue to meet with CEC staff ahead of EIR finalization to discuss details and minor changes made to the Project description and avoidance, minimization and mitigation measures.

CDFW offers the following editorial comments to assist the CEC in improving the Draft EIR:

1. Table 5.2-8 'Project Conformance with Applicable LORS' on page 5.2-117 states that the Project complies with CESA because it includes COCs to "ensure that impacts to state-listed species are less than significant". Because the Project proponent is not seeking incidental take coverage for any State-listed species, compliance with CESA requires complete avoidance of take. Therefore, CDFW recommends the Draft EIR specifically state that the COCs ensure complete take avoidance.

2. BIO-17 'Bat Habitat Assessment and Surveys' requires the Designated Biologist and/or Biological Monitor(s) to conduct a habitat assessment for listed bat species. There are currently no listed bat species in the State of California. However, some bat species in California are considered Species of Special Concern and/or have federal special statuses. In addition, Fish and Game Code section 4150 prohibits the take of bats, regardless of status, and other nongame mammals. Therefore, CDFW recommends removing the reference to listed bat species and applying BIO-17 to all native bat species.

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CESA COMPLIANCE

As is mentioned in the Draft EIR, the Project applicant has not requested take authorization under CESA for any CESA-listed or candidate species and must therefore completely avoid take to comply with CESA. If the Project proponent cannot completely avoid take of any CESA-listed species either during construction or operations, CDFW recommends the Project certification be amended as appropriate under the relevant provisions of the Public Resources Code and Title 20 of the California Code of Regulations under the CEC's jurisdiction to ensure full compliance with CESA incidental take requirements, including, but not limited to, the mandate to fully mitigate the incidental take of listed species.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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 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 draft EIR to assist the CEC in identifying, analyzing, and mitigating Project impacts on biological resources.

If you have any questions regarding this letter, please contact Gabriele Quillman, Senior Environmental Scientist (Specialist), at (707) 815-9867 or at Gabriele.Quillman@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory) at (707) 339-0334 or at Brenda.Blinn@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

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