Haggerty, Nicole@Wildlife

From: Shun, Michael@Wildlife
Sent: Tuesday, December 30, 2025 9:00 AM
To: kstefani@calaverascounty.gov
Cc: Wood, Dylan@Wildlife; Wildlife R2 CEQA; Donaldson, Hailey@Wildlife
Subject: Double Springs Energy Storage Project Mitigated Negative Declaration (2024-086 CUP) - CDFW Comments

Dear Katherine Stefani:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from Calaveras County Planning Department (Calaveras County) for the Double Springs Energy Storage Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines. CDFW previously submitted comments in response to the Initial Routing on June 3, 2025.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located on three separate Assessor Parcel Numbers (APNs 040-002-017, 040-002-018, and 040-002-019) totaling approximately 15 acres. The project site is approximately one-quarter mile west of Highway 26 on Double Springs Road in Valley Springs and is immediately adjacent to the PG&E Valley Springs Substation.

The Project consists of a utility scale battery energy storage system (BESS) facility consisting of up to 240 prefabricated battery enclosures with an on-site substation. The BESS facility will be composed of lithium-ion or comparable batteries installed within modular outdoor enclosures, and contain inverters, medium-voltage transformers, switchgear, fire suppression systems, communication facilities, and other associated equipment to connect the project to the PG&E Valley Springs Substation.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Calaveras County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project. Additions to proposed mitigation measures in the MND are noted in **bold** while deletions of proposed mitigation measures are noted in strikethrough.

CDFW is primarily concerned with the project impacts to California tiger salamander (*Ambystoma californiense*) (CTS), nesting birds, Crotch's bumble bee (*Bombus crotchii*) (CBB), and impacts to Lakes and/or Streambeds.

COMMENT 1: California Tiger Salamander, MM-BIO-1 California Tiger Salamander and California Red-legged Frog Take Avoidance Measure, Page 49/1576

Issue: CTS is a threatened state-listed species with protection under CESA, and the Project site is within 2 miles of a known occurrence on the California Natural Diversity Database (CNDDB)(CDFW 2025). Additionally, the Project site contains suitable CTS upland dispersal habitat and is within approximately 300 feet of potential breeding habitat. CTS relies on seasonal wetlands or freshwater ponds for successful reproduction and adjacent or accessible terrestrial habitat for migration and aestivation, making the quality of both aquatic and terrestrial habitat essential for CTS survival (Bolster 2010). Threats to CTS include habitat loss/conversion and fragmentation, including dispersal habitat between breeding pools and upland refugia. CTS spend the majority of their lifecycle underground (Trenham et al. 2000) and are susceptible to being crushed during ground disturbance activities. Projects with potential impacts to CTS are encouraged to avoid take or to obtain an incidental take permit (ITP) from CDFW in order to comply with CESA.

Mitigation measure MM-BIO-1 currently requires preconstruction surveys for CTS prior to initiating any ground disturbing Project activities, and if any burrows capable of supporting CTS are found, the burrow will be excavated to determine whether CTS are present. If CTS are present, and avoidance is infeasible, the Project Proponent will apply for an ITP. However, burrow excavation may not be effective to determine presence or if avoidance is feasible, and it has the potential to result in take to CTS by crushing individual animals. CDFW recommends updating a more robust survey approach to assess potential impacts to CTS. CDFW recommends incorporation of the following mitigation measures and implementing the following measure in the MND.

Recommendation or Recommended Mitigation Measure:

MM-BIO-1: California Tiger Salamander and California Red-legged Frog Take Avoidance. Project construction shall occur during daylight hours, and work shall begin on or after May 1 and be completed by October 31 of each year, if feasible. Whether this seasonal restriction can be followed or not, within 7 days prior to clearing existing vegetation or grading, a qualified biologist shall survey for the presence of potential underground refugia for California tiger salamanders (*Ambystoma californiense*) and California red-legged frogs (*Rana draytonii*) (e.g., small mammal burrows). If potential refugia are observed, **Project Applicant shall conduct a drift fence survey prior to initiating any ground-disturbing or vegetation removal activities.** ~~they shall be excavated by hand (e.g., shovels and non-powered hand tools) to confirm California tiger salamander absence. A qualified biologist shall monitor all refugia excavation. All excavated burrows shall be backfilled after the biologist confirms that tiger salamanders or red-legged frogs are absent.~~ If any tiger salamanders or California red-legged frogs are found ~~and avoidance is infeasible~~, the construction shall immediately stop and the Project Applicant shall, prior to commencing or continuing any further construction, consult with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife regarding the potential for project activities to result in take. If an Incidental Take Permit (ITP) for the state-listed California tiger salamander is obtained from CDFW, the Project Applicant shall comply with any mitigation requirements included in the ITP. Additionally, if avoidance is infeasible, consultation with USFWS shall occur prior to commencing or continuing construction regarding the potential for project activities to result in take, and the Project Applicant shall comply with any mitigation requirements in the permit for project impacts to both federally listed species, including authorization for the qualified biologist to capture and relocate animals per a Relocation Plan, as described below.

MM-BIO-1: Relocation Plan. If an ITP is obtained and authorizes relocation, a Relocation Plan shall be developed that outlines the specific methods for safely capturing, holding, transporting, and releasing California tiger salamanders and California red-legged frogs in coordination with CDFW and the USFWS, including equipment sterilization techniques. The Relocation Plan shall also outline a proposed location for CDFW and USFWS review and approval where relocated individuals shall be moved and a process for reducing oversaturation. Construction shall not commence or continue until after the amphibians have been removed from the site in conformance with the Relocation Plan.

California Tiger Salamander Drift Fence Survey. Prior to any ground-disturbing or vegetation removal activities, a Qualified Biologist shall submit a drift fence survey plan for review and approval to Calaveras County in coordination with CDFW and USFWS. The proposed survey should be conducted during the appropriate time period (typically after the first major rainfall event/s between October 15 through March 1) and should include an aerial photograph of the study site indicating all potential on- and off-site breeding locations identified in the site assessment and an overlay with the proposed drift fence survey design clearly delineated. Trapping activities shall be consistent with the Guidance on Site Assessment and Field Surveys for California Tiger Salamander (CDFW and USFWS, 2003). Only an approved Qualified Biologist/s with the required handling permits authorized to capture, handle, and monitor CTS. If any life stages of the CTS (adults, eggs, or larvae) are found, the Qualified Biologist shall contact CDFW and USFWS to demonstrate compliance with CESA. Two consecutive seasons of negative upland drift fence studies are recommended to support a negative finding.

COMMENT 2: Nesting Birds, MM-BIO-2 Nesting Birds Measure, Page 50/1576

Issue: Mitigation Measure MM-BIO-2 currently requires preconstruction surveys for nesting birds approximately 3 days prior to ground-disturbing or vegetation removal activities during the nesting season (March through August) and to include a buffer size of approximately 50-300 feet based on a few factors. If buffers are not adequately sized, or if surveys are not conducted during the appropriate window, nesting birds within and near the Project Area may be significantly impacted during Project implementation. However, this does not adequately cover the entire nesting season and the proposed buffer sizes may need to be larger. CDFW recommends updating the following mitigation measure in the MND.

Recommendation or Recommended Mitigation Measure:

MM-BIO-2: Nesting Birds. A qualified biologist shall conduct a survey for nesting birds approximately 3 days prior to ground-disturbing or vegetation removal activities during the nesting season ~~(March through August)~~ **(February 1 through August 31)**. The survey shall cover the limits of suitable nesting habitat within ~~500 feet for raptors and 100 feet~~ **½ mile for raptors and 500 feet** for other nesting birds (access permitting).

If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest **and provide a report to Calaveras County outlining the number of nests and bird species present**. The buffer distance, to be determined by the qualified biologist, ~~typically ranges from 50 to 300 feet, but~~ **and** shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. **The qualified biologist shall increase the buffer size if signs of agitation or territorial behavior occur during construction activities.** Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers**.** ~~and shall be maintained until the chicks have fledged or the nests are no longer active, as determined by the qualified biologist.~~ **The buffer shall be kept in place until after the breeding nesting season or the Qualified Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season.**

COMMENT 3: Crotch's Bumble Bee, MM-BIO-3 Crotch's Bumble Bee Measure, Page 50/1576

Issue: In June 2019, the California Fish and Game Commission granted CBB candidate species protection under CESA. The candidacy designation temporarily affords CBB broad CESA protections (including prohibitions against "take" without permit authorization) throughout the entirety of California while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to recommend management and recovery actions. Projects with potential impacts to CBB are encouraged to avoid take or to obtain an ITP from CDFW in order to comply with CESA.

Without appropriate avoidance and minimization measures for CBB and their habitat, Project-related activities involving ground and vegetation-disturbance could result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, and direct mortality. Therefore, there could be significant impacts to CBB, if the measures are not included in the MND. CDFW recommends implementing the following CBB avoidance and minimization measures in the MND.

Recommendation or Recommended Mitigation Measure:

Seasonal Restriction. If feasible, native or non-native flowering vegetation removal shall occur prior to bloom and before the active season for CBB (approximately March 1 through October 31). If Project-related activities cannot be avoided during this time and vegetation needs to be removed during the bloom period for those species, Project Applicant shall remove flowering vegetation in a patched manner leaving areas of floral resources as refugia for foraging CBB or wait until bloom has ceased. During the bloom period and active season for CBB, removal of non-native plants should be prioritized over native plants.

Project Applicant shall avoid conducting Project-related activities involving vegetation and ground disturbance in CBB habitat during the Queen/Gyne Flight Season, when queens emerge in the spring searching for nest sites and during the fall flight period when gynes mate and search for overwintering habitat. These time periods shift each year due to climatic conditions (drought, temperature, and precipitation). To determine these time periods each year, the Qualified Biologist shall be onsite and conduct CBB Preconstruction Surveys.

Vegetation Management. Disturbance or removal of vegetation shall be kept to the minimum necessary to complete Project-related activities. Vegetation marked for protection may only be trimmed with hand tools to the extent necessary to gain access to work sites. Project Applicant shall set mower blade heights no lower than 4 inches, unless otherwise approved by Calaveras County in coordination with CDFW. Project Applicant shall ensure that pesticide use only occurs when CBB are dormant or when flowers are no longer in bloom.

Lighting Minimization. If feasible, Project-related activities will be restricted to daytime hours. If nighttime construction is needed within 500 feet of CBB habitat, Project Applicant shall implement ensure that all construction-related lighting shall not have significant illumination pass beyond the immediate work area. Shielding techniques may include, but should not be limited to, the use of fence slats, netting, mesh, or tarps; and all construction lighting used shall be yellow or orange lighting.

Rodenticides and Pesticides. Project Applicant shall prohibit use of rodenticides or other poisons used to control burrowing animals in the Project Area during the life of the Project or within mitigation lands. Project Applicant shall prohibit management of ground squirrel populations or any rodents by any means, including, but not limited to, rodenticide, gas, or live-trapping within the Project Area for the duration of Project-related activities. Project Applicant may only use pesticides registered with the California Department of Pesticide Regulation (CDPR). Any dyes included in the pesticides must be EPA-registered dyes approved for use in California. All pesticides shall be applied in accordance with labeled instructions and regulations set by CDPR. Labeled instructions for the pesticide(s) used shall be made available to CDFW upon request. No pesticides shall be applied when wind speeds exceed 5 miles per hour.

COMMENT 4: Lake and Streambed Alteration, MM-BIO-4: Wetlands and Waters Mitigation, Page 51/1576

Issue: Mitigation Measure MM-BIO-4 currently requires mitigation for the impacts associated with United States or waters of the state in the form of creation, preservation, or restoration. However, mitigation measure MM-BIO-4 does not state that the Project Applicant will notify CDFW to obtain a Lake and Streambed Alteration Agreement (LSAA) prior to any impacts to any ephemeral, intermittent, or perennial channels during Project-related activities. Additionally, MM-BIO-4 states that compensatory mitigation for the loss of wetlands shall be no less than 1:1 and shall be in kind. Proposing to mitigate streambed impacts at a 1:1 ratio may not adequately mitigate to a level of less-than-significant for potential impacts to a stream system, since a 1:1 ratio still represents a net loss to stream system habitat CDFW recommend a higher minimum ratio which more effectively conserves stream habitat to mitigate potential impacts.

The replacement of an existing culvert crossing to facilitate road construction for site access on an intermittent stream has the potential to deposit debris, waste, or other materials where it may pass into a stream. Any activity that has the potential to impact a river, lake, or stream is subject to Fish and Game Code Section 1602 and requires the Project Applicant to submit an LSAA notification to determine whether impacts to aquatic resources are substantial. CDFW recommends updating the following mitigation measure in the MND.

Recommendation or Recommended Mitigation Measure:

Wetlands and Waters Mitigation. To mitigate for the loss of potentially jurisdictional waters of the United States and/or waters of the state, the Project Applicant shall create, preserve, or restore jurisdictional waters to the extent required under the Clean Water Act or Waste Discharge Requirements (WDRs), as applicable. **An LSAA notification will be submitted to CDFW for review and approval for the culvert replacement on the intermittent stream to facilitate road construction. The LSA Notification types will be submitted online through CDFW's Review/EPIMS Permit Information Management System (EPIMS). For more information about EPIMS, please visit https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS.** If Section 404, 401, or WDR authorizations are required, mitigation acreage requirements shall be determined in consultation with the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. Compensatory mitigation for the loss of wetlands shall be no less than ~~1:1~~ **3**:1 **determined during the permitting process** and shall be in-kind, as negotiated through the permit application process for a U.S. Army Corps of Engineers Section 404 Permit, Regional Water Quality Control Board Section 401 Water Quality Certification or WDR, and/or a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. All Required determinations and permits shall be finalized prior to the start of any ground disturbing activities which would impact jurisdictional waters.

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 CNDDB. The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

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

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of

Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Double Springs Energy Storage Project to assist Calaveras County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

REFERENCES

Bolster, B. C. 2010. A status review of the California tiger salamander (*Ambystoma californiense*). A Report to the Fish and Game Commission, Nongame Wildlife Program Report 2010-4, California Department of Fish and Game, Sacramento, CA, USA.

Trenham, P. C., H. B. Shaffer, W. D. Koenig, and M. R. Stromberg. 2000. Life history and demographic variation in the California tiger salamander (*Ambystoma californiense*). Copeia 2:365–377.

Thank you,

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