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February 5, 2026

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**Subject: Saltgrass Energy Storage Project (Project)  
Early Consultation Request (CON)  
State Clearinghouse No. 2026010021**

Dear Emily DeAnda:

The California Department of Fish and Wildlife (CDFW) received a CON from Stanislaus County (County) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

## **CDFW ROLE**

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

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

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

**Nesting Birds:** CDFW has jurisdiction over actions with the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Saltgrass Energy Storage, LLC

**Objective:** The Project proposes to construct a battery energy storage system (BESS) facility with associated infrastructure, which will use Zinc-Bromide batteries and ancillary equipment to store approximately 162 megawatts (MW) or 650 megawatt-hours (MWh) of electricity, on an 18.74-acre proposed Project site. Project infrastructure includes an operations and maintenance (O&M) facility with associated parking. The Project will tie into the Pacific Gas and Electric (PG&E) Salado Substation located approximately 450 feet to the east across the California Aqueduct via underground and overhead 115kV lines.

**Location:** The proposed Project site is along the Interstate 5, between Sperry Avenue and Oak Flat Road. The Project is approximately 2.5 miles south of the city of Patterson and approximately 4.7 miles northwest of Crow’s Landing.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve a subsequent CEQA document if additional CEQA review is conducted for the Project.

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According to aerial imagery, the proposed Project site is relatively flat, undeveloped land that is comprised of annual grassland and ruderal vegetation and is bordered by Salado Creek. Based on a review of the Project description, California Natural Diversity Database (CNDDDB) records, and aerial imagery of the Project site and surrounding habitat, the Project is within the geographic range of, and could potentially impact, several special-status animal species including, but not limited to, the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsonii*) and tricolor blackbird (*Agelaius tricolor*); the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumblebee (*Bombus crotchii*); the State species of special concern American badger (*Taxidea taxus*); the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*); the State species of special concern and federally threatened California red-legged frog (*Rana draytonii*); the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*); and the State species of special concern loggerhead shrike (*Lanius ludovicianus*).

The Project is also within the geographic range of special-status plant species, including, but not limited to the CRPR 1B.2 spiny-sepaled button-celery (*Eryngium spinosepalum*).

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

### **San Joaquin Kit Fox**

The Project site is within the known geographic range of San Joaquin kit fox (SJKF), and the species is known to utilize the grassland habitats west of the I-5. While the Project is sited east of the I-5 it is in very close proximity higher quality habitat west of I-5. Additionally, the habitats within the Project site could be suitable for SJKF denning and foraging. SJKF may also be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. SJKF will readily use shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or underneath them for denning, in addition to pipes and culverts (Cypher et al. 2023). Therefore, as mitigation measures during construction, CDFW recommends thoroughly inspecting all construction materials or structures with sufficient spaces for SJKF, in addition to pipes and culvert-like structures, before these materials are used or moved in any way. To help

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deter SJKF from creating dens under construction materials, CDFW recommends elevating materials one foot or more off the ground using k-rails or similar structures.

To assess and minimize potential Project related impacts to SJKF dens, CDFW recommends that a qualified biologist assess the presence/absence of denning SJKF by conducting focused surveys to detect SJKF and their sign in all Project areas and a 500-foot buffer of Project areas if biological studies are conducted in support of a subsequent CEQA document.

CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

### **Recommended Mitigation Measure 1: SJKF Preconstruction Surveys**

CDFW recommends assessing presence/absence of SJKF by conducting focused den surveys for the species prior to the initiation of Project ground disturbance activities. Specifically, CDFW recommends conducting these surveys over the entirety of the Project site no less than 14-days and no more than 30-days prior to beginning of ground and/or vegetation disturbing activities.

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

CDFW recommends implementing no-disturbance buffers, as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011) (USFWS Protocol) around potentially suitable or known SJKF den sites.

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

If the no-disturbance buffers outlined in the USFWS Protocol for SJKF are not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, acquisition of an incidental take permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA.

## **Swainson's Hawk**

The Project is within the known geographic range of Swainson's hawk (SWHA). SWHA are known to travel for miles to forage and exhibit high nest-site fidelity from year to year. SWHA are known to breed within the Central Valley of California and prefer to nest near and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project appears to have some suitable perching and nesting trees along the road shoulder, and the Project site and vicinity contain suitable habitat for SWHA foraging. Therefore, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA

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following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) if biological studies are conducted in support of a subsequent CEQA document.

In addition to conducting SWHA surveys, CDFW recommends the following measures be implemented prior to the initiation of Project activities:

#### **Recommended Mitigation Measure 4: SWHA Pre-Construction Surveys**

CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) the survey season immediately prior to initiation of Project activities.

#### **Recommended Mitigation Measure 5: SWHA Avoidance Buffer**

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

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

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

#### **Tricolored blackbird**

The Project site is within the known geographic range of tricolored blackbird (TRBL) and historical and recent occurrences have been documented within approximately ten miles of the Project site (CDFW 2026). In the San Joaquin Valley, TRBL historically bred within the vicinity of fresh water, primarily in marshy areas and important sites for nesting colonies included heavy growths of cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar. Foraging typically occurs within flooded lands, grassy fields, and margins of ponds (Grinnel and Miller 1994). However, a large proportion of the San Joaquin Valley TRBL population now nests in agricultural grain fields

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(Weintraub et al. 2016). Based on aerial imagery, portions of the Project site and immediate vicinity could provide potential foraging and nesting habitat to TRBL.

CDFW recommends that a qualified biologist conduct a habitat assessment for TRBL, either as part of the biological technical studies conducted in support of a subsequent CEQA document, or prior to the implementation of Project activities. If potentially suitable nesting habitat is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such as avoidance, minimization, and mitigation. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

### **California Tiger Salamander**

The Project site is within the range of California tiger salamander (CTS) and the Project's northern border is adjacent to the Salado Creek and potentially suitable breeding and dispersal habitat. CTS are known to breed and develop in vernal and seasonal pools and stock ponds in grassland habitat types and have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from these habitats. CDFW recommends a qualified biologist survey the Project site for suitable habitat features and assessing presence/absence of the species by conducting protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) if biological studies are conducted in support of a subsequent CEQA document.

CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

#### **Recommended Mitigation Measure 7: CTS Pre-Construction Surveys**

CDFW recommends a qualified biologist survey the Project site for suitable habitat features and assessing presence/absence of the species by conducting protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003). The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

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### **Recommended Mitigation Measure 8: CTS Avoidance Buffer**

If CTS protocol-level surveys are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals.

### **Recommended Mitigation Measure 9: CTS Take Authorization**

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

### **Western Burrowing Owl**

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

The Project site is within the known geographic range of BUOW, and there are numerous recent and historical occurrences located within and adjacent to the Project site (CDFW 2026). BUOW typically inhabit open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also use “man-made burrows” such as pipes or culverts. Based on aerial imagery the Project site and adjacent areas likely contain suitable habitat for BUOW nesting and foraging.

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

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CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

**Recommended Mitigation Measure 10: BUOW Pre-Construction Surveys**

CDFW recommends assessing presence/absence of BUOW on the Project site, as well as a 500-meter buffer surrounding the Project site, by having a qualified biologist conduct surveys following the 2012 Staff Report (CDFG 2012) the survey season immediately prior to Project initiation.

**Recommended Mitigation Measure 11: BUOW Avoidance Buffer**

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

**Recommended Mitigation Measure 12: BUOW Take Authorization**

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

**Crotch's Bumble Bee**

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

As CBB may be present within the Project site, CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) if biological studies are conducted in support of a subsequent CEQA document.

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CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

### **Recommended Mitigation Measure 13: CBB Pre-Construction Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) the blooming period immediately prior to Project initiation.

### **Recommended Mitigation Measure 14: CBB Avoidance**

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

### **Recommended Mitigation Measure 15: CBB Take Authorization**

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

## **American Badger**

The Project site is within the known geographic range of American badger (AMBA) and there are several documented occurrences near the Project site (CDFW 2026). AMBA occupies sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et al. 1990). Based on aerial imagery, the Project site potentially contains habitat suitable for AMBA.

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

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### **Northwestern Pond Turtle**

The Project is within the range of northwestern pond turtle (NWPT), the species is known to occur within the Project vicinity (CDFW 2026), and Salado Creek may provide suitable habitat for breeding and/or dispersal. NWPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). As NWPT may be present within the Project site, CDFW recommends a qualified biologist conduct focused surveys for NWPT if biological studies are conducted in support of a subsequent CEQA document.

CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

#### **Recommended Mitigation Measure 16: NWPT Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for NWPT within 10 days prior to Project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

#### **Recommended Mitigation Measure 17: NWPT Avoidance and Minimization**

CDFW recommends that any NWPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project areas. If NWPT individuals are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

### **California Red-legged Frog**

The Project site is within the geographic range of California red-legged frog (CRLF), the species is known to occur within the Project vicinity (CDFW 2026), and Salado Creek may provide suitable habitat for breeding and/or dispersal. As CRLF may be present within the Project site, CDFW recommends a qualified biologist conduct focused surveys for CRLF within areas of suitable habitat following the "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) document if biological studies are conducted in support of a subsequent CEQA document.

CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

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### **Recommended Mitigation Measure 18: CRLF Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for CRLF within areas of suitable habitat adjacent to or within the Project site 48-hours prior to initiating Project activities (two night surveys immediately prior to construction or as otherwise required by USFWS in accordance with the “Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog” (USFWS 2005) to determine if CRLF are within or adjacent to the Project site.

### **Recommended Mitigation Measure 19: CRLF Avoidance**

If any CRLF are found during preconstruction surveys or at any time during construction, CDFW recommends avoidance whenever possible via delineation and observance of a 50-foot no-disturbance buffer around CRLF and their burrows. If CRLF are observed on the Project site, CDFW also recommends that Project activities in the immediate vicinity cease, allowing individuals to leave the Project site on their own accord. Finally, CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for CRLF.

### **Western Spadefoot**

The Project is within the geographic range of western spadefoot (WESP), the species is known to occur within the Project vicinity (CDFW 2026), and the Project site and surrounding habitats may provide suitable habitat for breeding and/or dispersal. As WESP may be present within the Project site, CDFW recommends a qualified biologist conduct a habitat assessment and focused surveys for WESP if biological studies are conducted in support of a subsequent CEQA document.

CDFW also recommends the following measures be implemented prior to the initiation of Project activities:

### **Recommended Mitigation Measure 20: WESP Habitat Assessment**

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support WESP.

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### **Recommended Mitigation Measure 21: WESP Surveys**

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for WESP, using appropriate survey methodologies, prior to any ground-disturbing activities that may occur as part of the Project.

### **Recommended Mitigation Measure 22: WESP Minimization**

If WESP burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps and irrigation ditches in addition to any areas that pool water for only a few weeks. Avoidance of potential breeding habitat should occur even when dry, since post-metamorphic WESP juveniles have a unique adaptation to the drying of their temporary breeding pools; they utilize the dried pond bottom as a refuge, burying themselves in the desiccation cracks and damp soil beneath the surface crust (Baumberger et al. 2020). If any lifestage of WESP are observed on the Project site, Project activities in their immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

On September 24, 2025, the California Fish and Game Commission (Commission) received a petition to list the northern population of WESP as threatened species and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes listed as a Candidate for listing pursuant to CESA (possible in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA if full avoidance of WESP could not be achieved. Please note that implementation of the above recommended measures would help minimize impacts to WESP as required by CEQA but would not fully avoid impacts and thus take; additional measures would need to be implemented to avoid take of WESP. In the event that WESP becomes protected under CESA, CDFW recommends early consultation to help identify if avoidance is feasible or if not, to initiate discussions regarding the need for ITP acquisition.

### **Special-Status Plants**

CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), either as part of the biological technical studies conducted in support of a subsequent CEQA document, or prior to the implementation of Project activities. This

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protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. Please note that adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special status plants in the surveyed area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude presence or identification of special status plants in any given year. Visiting the survey site in more than one year increases the likelihood of detection. If special-status plants are identified during surveys, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation. If State endangered, threatened, or rare plants are identified during special status plant surveys and take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b), is necessary to comply with CESA and the NPPA.

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

**Battery Energy Storage System Evaluation:** The proposed Project includes installation of an approximately 162 MW or 650 MWh BESS as part of the Project. CDFW is familiar with the Moss Landing battery plant fire, which was a battery energy storage system (BESS) which had densely stacked batteries within a single warehouse building and which used lithium-ion batteries with Nickel Manganese Cobalt (NMC) chemistry, which are more prone to overheating and thermal runaway. Fires at NMC BESSs cannot be extinguished with water and thus an alternative onsite fire suppression system is critical.

As such, the BESS systems proposed as part of the Project warrant a careful evaluation for potential fire-related impacts to biological resources within and surrounding the Project site. While newer BESS technologies have been made more readily available since construction of the Moss Landing BESS, current battery technologies can still have the potential for impacts to biological resources if overheating and thermal runaway were to occur. For example, Lithium-ion BESS fires can release an array of toxic chemicals into the air (Mylenbusch et al. 2023). In addition to potential human health concerns, these emissions may also impact air quality for nearby wildlife, and harmful particulate matter may settle into soils or waterways, possibly affecting soil-dwelling organisms, burrowing mammals, and aquatic life.

Based on information in the CON, it appears the BESS configuration for the Project is likely to be constructed of self-contained energy storage modules (i.e., individual battery containers), monitored locally. Currently the Project is proposing to utilize a zinc-bromide chemistry which is purported to be non-flammable. CDFW concurs with the Project's approach to utilize alternative BESS technologies that reduce the potential for fire-related impacts and recommends a thorough analysis of the BESS component of

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the Project in any subsequent CEQA document. This analysis should evaluate the potential impacts of a large and small BESS fires on biological resources within and surrounding the Project site. CDFW recommends the evaluation not only assess the risk to biological resources but also detail the Project-specific measures that would be implemented to reduce the risk of fire, and to carefully consider BESS siting, battery/container spacing, battery chemistry, battery life and degradation, and the most appropriate fire protection/suppression system.

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

**Lake and Streambed Alteration:** Based on a review of aerial photography, Salado Creek is located directly adjacent to the Project site. Project activities that will substantially change or use any material from the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit or dispose of debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA prior to issuance of a Final Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for Final LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

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**Water Pollution:** Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into “Waters of the State” any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of a “Waters of the State” from increased sediment or battery associated pollutants; discharge of other constituents of concern; or construction related erosion. This could impact the fish and wildlife resources from Project-related activities. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also has jurisdiction regarding discharge and pollution to “Waters of the State”.

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

The Project site and vicinity are known to support many species of nesting birds, including loggerhead shrike, prairie falcon, and California horned lark. If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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**CNDDDB:** Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB, but where there is suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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

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

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

## **ENVIRONMENTAL DATA**

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

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The completed form can be mailed electronically to the CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

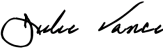
## FILING FEES

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

## CONCLUSION

CDFW appreciates the opportunity to comment on the CON to assist the County in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 1) which corresponds with the recommended mitigation measures in this comment letter. If you have any questions, please contact Jaime Marquez, Senior Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3200, or by electronic mail at [Jaime.Marquez@wildlife.ca.gov](mailto:Jaime.Marquez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Attachment (MMRP)

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

Jaime Marquez  
California Department of Fish and Wildlife

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# Attachment 1

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

**PROJECT: Saltgrass Energy Storage Project by Saltgrass Energy Storage, LLC**

**SCH No.: 2026010021**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
SJKF	
Recommended Mitigation Measure 1: SJKF Pre-Construction Surveys	
Recommended Mitigation Measure 3: SJKF Take Authorization	
SWHA	
Recommended Mitigation Measure 4: SWHA Pre-Construction Surveys	
Recommended Mitigation Measure 6: SWHA Take Authorization	
CTS	
Recommended Mitigation Measure 7: CTS Pre-Construction Surveys	
Recommended Mitigation Measure 9: CTS Take Authorization	
BUOW	
Recommended Mitigation Measure 10: BUOW Pre-construction Surveys	
Recommended Mitigation Measure 12: BUOW Take Authorization	
CBB	
Recommended Mitigation Measure 13: CBB Pre-Construction Surveys	
Recommended Mitigation Measure 15: CBB Take Authorization	
NWPT	
Recommended Mitigation Measure 16: NWPT Surveys	
CRLF	
Recommended Mitigation Measure 18: CRLF Surveys	
WESP	

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
Recommended Mitigation Measure 20: WESP Habitat Assessment	
Recommended Mitigation Measure 21: WESP Surveys	
<i>During Construction</i>	
SJKF	
Recommended Mitigation Measure 2: SJKF Avoidance Buffer	
SWHA	
Recommended Mitigation Measure 5: SWHA Avoidance Buffer	
CTS	
Recommended Mitigation Measure 8: CTS Avoidance Buffer	
BUOW	
Recommended Mitigation Measure 11: BUOW Avoidance Buffer	
CBB	
Recommended Mitigation Measure 14: CBB Avoidance	
NWPT	
Recommended Mitigation Measure 17: NWPT Avoidance and Minimization	
CRLF	
Recommended Mitigation Measure 19: CRLF Avoidance	
WESP	
Recommended Mitigation Measure 22: WESP Minimization	