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March 6, 2026

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**Subject: Huff Energy Solutions Solar Project (PSP 25-060 & PSP 25-062) (Project)
Mitigated Negative Declaration (MND)
State Clearinghouse No. 2026020312**

Dear Gary Mills:

The California Department of Fish and Wildlife (CDFW) received an MND from the Tulare County Resource Management Agency (Tulare County), for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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 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

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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expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for a State Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for the Project.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, and nests include 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.

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PROJECT DESCRIPTION SUMMARY

Proponents: Huff Energy Solutions, Inc.

Objective: The Project proposes to construct and operate two 3-megawatt (MW) photovoltaic solar power generation facilities.

Location: The Project site comprises a total of 13.22 acres on a 40-acre parcel (Assessor Parcel Number 330-110-012) located at the southeast corner of Avenue 38 and Road 46, approximately 2 miles southeast of the community of Alpaugh, and approximately 5 miles west of California State Route 43, in an unincorporated area of Tulare County.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Tulare 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 MND.

The MND and associated Biological Resources Evaluation (BRE) acknowledge that the Project site is within the geographic range of several special-status animal and plant species and proposes three mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal and plant species. Special-status animal species that may be impacted by the Project include, but are not necessarily limited to, the State and federally endangered Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*); the State and federally endangered and State fully protected blunt-nosed leopard lizard (*Gambelia sila*); the State threatened San Joaquin antelope squirrel (*Ammospermophilus nelsoni*); the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumblebee (*Bombus crotchii*); the State species of special concern and federally endangered Buena Vista Lake ornate shrew (*Sorex ornatus relictus*); the State species of special concern American badger (*Taxidea taxus*) and coast horned lizard (*Phrynosoma blainvilli*); the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*); and the State special animal and federally listed branchiopod species such as vernal pool tadpole shrimp (*Lepidurus packardii*) and vernal pool fairy shrimp (*Branchinecta lynchi*).

Special-status plant species that may be impacted by the Project include, but are not necessarily limited to, the California Rare Plant Rank (CRPR) 1B.1 alkali-sink goldfields

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(*Lasthenia chrysanta*), Horn's milk-vetch (*Astragalus hornii* var. *hornii*), and slough thistle (*Cirsium crassicaule*); CRPR 1B.2 and federally endangered kern mallow (*Eremalche parryi* ssp. *kernensis*); and CRPR 1B.2 Earlimart orache (*Atriplex cordulata* var. *erecticaulis*), brittlescale (*Atriplex parishii*), Lost Hills crownscale (*Atriplex coronata* var. *vallicola*), and recurved larkspur (*Delphinium recurvatum*).

CDFW notes that the Project site is within 4 to 10 miles of two large conservation area complexes with State and federal ownership, known to support numerous special-status species. These conservation areas are comprised of CDFW's owned and managed Allensworth Ecological Reserve (ALER) and Semitropic Ecological Reserve (STER), the United States Fish and Wildlife Service (USFWS) owned and managed Pixley National Wildlife Refuge (NWR) and Kern NWR, and numerous privately owned conservation lands protected by Conservation Easements throughout the area, including the Atwell Recreation Area managed by the Bureau of Land Management.

While Tulare County appears to have completed a review of CDFW's California Natural Diversity Database (CNDDDB) to inform the Project's BRE, additional information is needed to support the adequate assessment of potential impacts to biological resources in the MND and CDFW's review of the Project. CDFW recommends that a qualified biologist 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.

CDFW recommends this initial work be documented within a revised MND and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and mitigation measures. This information and analysis may then be used to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. Finally, CDFW recommends Tulare County incorporate the items identified above and recirculate the revised MND for public review and input. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game Code, and other applicable State and federal laws and regulations.

Tipton Kangaroo Rat

As stated in the BRE, Tipton kangaroo rat (TKR) has been recorded in the vicinity of the Project site. TKR is also known to inhabit the nearby ALER, Pixley NWR, STER, and Kern NWR. To determine if TKR occupy the Project site, CDFW recommends that a qualified biologist conduct a habitat assessment for TKR within the Project site and vicinity during preparation of the revised MND. If suitable habitat is identified during these assessments, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 1: Live Trapping Surveys

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CDFW recommends that focused protocol-level live trapping surveys be conducted in areas of suitable habitat and that a trapping plan for determining presence of TKR be submitted to and approved by CDFW prior to subsequent trapping efforts. The trapping plan should also follow the USFWS “Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats” (USFWS 2013). CDFW further recommends that surveys for the species be conducted between April 1 and October 31, when the species is most active, and well in advance of ground-disturbing activities.

Recommended Mitigation Measure 2: TKR Take Authorization

If surveys indicate the presence or potential presence of TKR, consultation with CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation. If take cannot be avoided, authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Blunt-Nosed Leopard Lizard

As the BRE notes, observations of blunt-nosed leopard lizard (BNLL) have been recorded within the Project vicinity. BNLL is known to inhabit the nearby ALER, Pixley NWR, STER, and Kern NWR. Suitable BNLL habitat includes all areas of grassland and shrub habitat that contain required habitat elements, such as small mammal burrows, and open areas for basking. BNLL are also known to utilize open space patches between suitable habitat features including disturbed sites, unpaved access roadways, and edges of irrigated agriculture and orchards.

To determine if BNLL occupy the Project site, CDFW recommends that a qualified biologist conduct a habitat assessment for BNLL within the Project site and vicinity. If suitable habitat is identified during these assessments, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 3: BNLL Protocol Surveys

CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019) prior to the initiation of any ground-disturbing activities that may occur as part of the Project. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species.

Recommended Mitigation Measure 4: BNLL Avoidance Buffer

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CDFW recommends that any BNLL detection, known or potentially occupied burrows, or egg clutch sites have a minimum 395-acre buffer. This buffer is based on unpublished data from Dr. David Germano documenting that “male BNLL have home ranges up to 52 acres and that female BNLL have home ranges exceeding 98 acres, the known maximum home range sizes observed for the species, the unknown specific footprint of the individual BNLL’s home range relative to where the lizard was observed on the surface, and the unknown location of the lizard underground when construction commences.” CDFW would like to additionally refer to a 2018 study from Tennant, Germano, and others titled “Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department Ecological Reserves”. Among other findings, this study recorded female BNLL in competitive areas dispersing over a kilometer before returning back to their home range. One surveyed female was identified 1,344 meters from her original detection point (Tennant 2018).

Given that the size of the buffer recommendation outlined above is greater than the overall size of the proposed Project, CDFW recommends implementation of Recommended Mitigation Measure 5 if Project activities are anticipated to occur within or near occupied BNLL habitat.

Recommended Mitigation Measure 5: BNLL Take Authorization

With the passage of Senate Bill No.147, the incidental take of BNLL may be authorized for certain categories of projects, including industrial solar photovoltaic projects. If BNLL protocol surveys find that the Project site is occupied, or the Project chooses to assume presence for BNLL, consultation with CDFW is recommended to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground-disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b).

San Joaquin Antelope Squirrel

As noted in the BRE, San Joaquin antelope squirrel (SJAS) has been documented in the vicinity of the Project site, and the species is known to occur within the ALER, Pixley NWR, STER, and Kern NWR. To determine if SJAS occupy the Project site, CDFW recommends that a qualified biologist conduct a habitat assessment for SJAS within the site as part of the biological studies conducted in support of the revised MND. If suitable habitat is determined to be present within the Project Site, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 6: Daytime Visual Surveys

CDFW recommends that a qualified biologist conduct focused daytime visual surveys for SJAS in areas of suitable habitat. Such surveys should be conducted

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by qualified biologists using 10- to 30-meter transect spacing, and surveys should occur between April 1 and September 20, during temperatures of 68°F–86°F, with no more than 80% cloud cover and no rain/fog.

Recommended Mitigation Measure 7: SJAS Take Authorization

Should focused visual surveys detect the potential presence of SJAS, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take over the life of the Project. 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.

San Joaquin Kit Fox

The MND states that the Project site is within the geographic range of San Joaquin kit fox (SJKF), and a historical SJKF occurrence was documented less than 1 mile from the Project site (CDFW 2026). SJKF are known to inhabit the nearby ALER, Pixley NWR, STER, and Kern NWR. In addition to natural habitats, SJKF may be attracted to 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 pipes and culverts as well as shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or underneath them for denning (Cypher et al. 2023).

As the Project site is located within suitable habitat for SJKF and it does not appear that focused surveys were conducted for the species, CDFW recommends that a qualified biologist assess the presence of SJKF by conducting focused surveys to detect SJKF and their sign in the Project site and a 500-foot buffer of the Project site as part of the biological studies conducted in support of the revised MND.

While CDFW concurs with Mitigation Measure BIO-2—which specifically requires preconstruction surveys for SJKF in accordance with the USFWS Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011) (USFWS Protocol) no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and construction activities—CDFW contends that additional measures are needed to reduce impacts to less than significant and avoid unauthorized take in the event SJKF are found on or near the site.

As such, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 8: SJKF Avoidance Buffer

CDFW recommends implementing no-disturbance buffers around potentially suitable or known SJKF den sites, as described in the USFWS Protocol.

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Recommended Mitigation Measure 9: 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 ITP pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA.

Swainson's Hawk

As stated in the MND, the Project site lies within the geographic range of Swainson's hawk (SWHA), which has been recorded within the Project vicinity. Additionally, information in the MND and aerial imagery suggest that the Project site may contain suitable SWHA foraging habitat. SWHA are also known to occur within the ALER, Pixley NWR, STER, and Kern NWR.

As the Project site is located within suitable habitat for SWHA and it does not appear that focused surveys were conducted for the species, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (TAC) (SWHA TAC 2000) as part of the biological technical studies conducted in support of the revised MND.

While CDFW concurs with Mitigation Measure BIO-2, which specifically requires preconstruction surveys for active raptor nests and utilization of the SWHA TAC methodology for SWHA, CDFW finds that additional measures are needed to reduce impacts to less than significant and avoid unauthorized take of SWHA in the event active nests are present on or near the Project site.

As such, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 10: 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 1/2-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 11: SWHA Take Authorization

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CDFW 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

As indicated in the BRE, the Project site is within the known geographic range of tricolored blackbird (TRBL), and multiple recent occurrences have been documented as close as 1.25 miles to 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 occurred within flooded lands, grassy fields, and margins of ponds (Grinnell and Miller 1944). However, a large proportion of the San Joaquin Valley TRBL population now nests in agricultural grain fields (Weintraub et al. 2016).

CDFW recommends that a qualified biologist conduct a habitat assessment for TRBL as part of the biological technical studies conducted in support of the revised MND. If potentially suitable 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.

Western Burrowing Owl

Numerous recent and historical occurrences of western burrowing owl (BUOW) have been documented within the Project vicinity (CDFW 2026), as referenced in the Project's BRE. BUOW typically inhabit open grasslands and desert scrublands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also attempt to use "man-made burrows" such as pipes or culverts. Based on aerial imagery, the Project site and adjacent areas may contain habitat suitable for BUOW nesting and foraging. Additionally, BUOW are known to inhabit the nearby ALER, Pixley NWR, STER, and Kern NWR.

The California Fish and Game Commission (Commission) approved 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 (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).

As the Project site is located within suitable habitat for BUOW and it does not appear that focused surveys were conducted for the species, CDFW recommends assessing

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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) as part of the biological technical studies conducted in support of the revised MND.

In addition, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 12: BUOW Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the revised MND and Project construction, CDFW recommends that additional surveys following the 2012 Staff Report be repeated the survey season immediately prior to construction.

Recommended Mitigation Measure 13: BUOW Avoidance Buffer

Should a BUOW individual or known BUOW den (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, be implemented prior to and during any ground-disturbing activities. CDFW recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 14: BUOW Take Authorization

If a BUOW individual or known BUOW den (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 Crotch's bumble bee (CBB), and multiple recent CBB occurrences have been documented within 10 miles of the Project site (CDFW 2026). 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 a habitat assessment to determine if the Project site and the immediate

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surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs, should be documented as part of the assessment. If suitable habitat is identified, 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) as part of the biological studies conducted in support of the revised MND.

If suitable habitat is identified, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 15: CBB Surveys Prior to Construction

Depending on the amount of time since the initial survey efforts, 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).

Recommended Mitigation Measure 16: CBB Avoidance Buffer

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 17: 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.

Buena Vista Lake Ornate Shrew and American Badger

As noted in the BRE, American badger (AMBA) has been documented in the vicinity of the Project site. The Project site is also within the known geographic range of Buena Vista Lake ornate shrew (BVLS). Both species are known to occur within the ALER, Pixley NWR, STER, and Kern NWR. BVLS occupies moist habitats with suitable cover, such as salt grasses, and can be found in drier grassland and desert scrub habitat within a few hundred feet of seasonal or permanent water sources. AMBA occupies

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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 may contain habitat suitable for both species.

CDFW recommends that a qualified biologist assess the presence/absence of BVLS and AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the revised MND. If surveys indicate the presence or potential presence of either species, consultation with CDFW is recommended for guidance on avoidance, minimization, and mitigation measures.

Coast Horned Lizard and Western Spadefoot

The Project site is within the known geographic range of coast horned lizard (CHL) and western spadefoot (WESP), and multiple historical occurrences have been documented in the vicinity of the Project site (CDFW 2026), as referenced in the BRE. CHL and WESP are known to inhabit the nearby ALER, Pixley NWR, STER, and Kern NWR. CHL are known to occur within grassland, woodland, chaparral, and coastal habitats with patches of loose soil. WESP occur in seasonal wetlands, vernal features (e.g. alkali playas), agricultural sumps, irrigation ditches, and seasonally flooded areas with appropriate upland habitat. To determine if these habitat features are present within the Project site and vicinity, CDFW recommends that a general habitat assessment be conducted in support of the revised MND. If the habitat assessment indicates the presence or potential presence of CHL or WESP, CDFW recommends the revised MND include the following measures:

Recommended Mitigation Measure 18: Preconstruction Survey for CHL and WESP

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

Recommended Mitigation Measure 19: CHL and WESP Avoidance and Minimization

For CHL, if burrows, cracks, depressions, or other refugia are found to be used by CHL during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources. If the species 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.

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For WESP, if 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 Commission received a petition to list the northern population of WESP as a threatened species and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes 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.

Branchiopods

The Project site is within the geographic range of vernal pool tadpole shrimp and vernal pool fairy shrimp (branchiopods), there are multiple nearby occurrences on CNDDDB, and based on aerial imagery suitable habitat may be present on the Project site. As such, CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) as part of the biological studies conducted in support of the revised MND. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers.

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Special-Status Plants

CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) as part of the biological studies conducted in support of the revised MND. This 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

Lake and Streambed Alteration: Based on aerial imagery, the Project site appears to contain at least one stream feature. Project activities that substantially change 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); or (c) deposit 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 in the issuance of a 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 LSAA issuance. For information on notification requirements, please refer to CDFW's website

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(<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Nesting Birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing 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.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days (as opposed to 30 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 all 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.

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

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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.

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>. The completed form can be mailed electronically to CNDDDB at the following email address:

CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

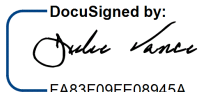
FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees may be 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 MND to assist Tulare County in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Amanda Canepa, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 746-0721 or by electronic mail at Amanda.Canepa@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT 1 - MMRP

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ec: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

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Attachment 1

Attachment 1

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

PROJECT: Huff Energy Solutions Solar Project (PSP 25-060 & PSP 25-062) by Huff Energy Solutions, Inc.

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
TKR	
Recommended Mitigation Measure 1: Live Trapping Surveys	
Recommended Mitigation Measure 2: TKR Take Authorization	
BNLL	
Recommended Mitigation Measure 3: BNLL Protocol Surveys	
Recommended Mitigation Measure 5: BNLL Take Authorization	
SJAS	
Recommended Mitigation Measure 6: Daytime Visual Surveys	
Recommended Mitigation Measure 7: SJAS Take Authorization	
SJKF	
Recommended Mitigation Measure 9: SJKF Take Authorization	
SWHA	
Recommended Mitigation Measure 11: SWHA Take Authorization	
BUOW	
Recommended Mitigation Measure 12: BUOW Surveys Prior to Construction	
Recommended Mitigation Measure 14: BUOW Take Authorization	
CBB	
Recommended Mitigation Measure 15: CBB Surveys Prior to Construction	
Recommended Mitigation Measure 17: CBB Take Authorization	
CHL and WESP	

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Recommended Mitigation Measure 18: Preconstruction Survey for CHL and WESP	
<i>During Construction</i>	
BNLL	
Recommended Mitigation Measure 4: BNLL Avoidance Buffer	
SJKF	
Recommended Mitigation Measure 8: SJKF Avoidance Buffer	
SWHA	
Recommended Mitigation Measure 10: SWHA Avoidance Buffer	
BUOW	
Recommended Mitigation Measure 13: BUOW Avoidance Buffer	
CBB	
Recommended Mitigation Measure 16: CBB Avoidance Buffer	
CHL and WESP	
Recommended Mitigation Measure 19: CHL and WESP Avoidance and Minimization	