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DEPARTMENT OF FISH AND WILDLIFE

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April 6, 2026

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**Subject: Pappas Solar Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No. 2026030182**

Dear Andrea Calderon:

The California Department of Fish and Wildlife (CDFW) received an NOP from Kern County (County) for the above-referenced 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 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,

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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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.

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 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, 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: Radiant BMT, LLC

Objective: The Project proposes to construct and operate a 3-megawatt (MW) photovoltaic (PV) solar facility, with associated infrastructure, that would generate approximately 9,454 megawatt-hours (MWh) of electricity annually on a 21.9-acre Project site. Project infrastructure includes solar panels, solar racking, inverters, service roads and internal access roads, a medium-voltage power collection system, communication cables, overhead and underground distribution lines, electrical

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switchgear, an onsite meteorological station, and an operations and maintenance facility. A switchyard on the Project site would step up the voltage of produced power to the 33-kilovolt (kV) voltage of Southern California Edison's (SCE) distribution circuit, which runs north to south along Pappas Road on the western boundary of the Project site and ties into high voltage transmission system at SCE's Randsburg substation.

Location: The proposed Project site is located on two privately owned parcels (Assessor Parcel Numbers 181-321-04 and 181-321-05) totaling 36.92 acres within the Fremont Valley area in the desert region of eastern Kern County. The Project site is approximately 10 miles north of the city of California City, 1.5 miles southeast of the town of Cantil, and 2 miles northeast of the town of Rancho Seco. The site is bordered by Pappas Road to the west, Sunshine Ranch Road to the north, and Sunrise Rim Road to the south.

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 the Draft Environmental Impact Report (DEIR) prepared for this Project.

The NOP describes the Project site as relatively flat, undeveloped land with limited vegetation, historically used for agricultural and grazing purposes. The site elevation is approximately 1,945 feet above mean sea level, and the regional landscape is dominated by desert vegetation (i.e., creosote bush scrub and desert saltbush scrub vegetation, with desert wash scrub). The NOP states that most of the Project site is designated by the Federal Emergency Management Agency (FEMA) as Zone "A" on the Flood Insurance Rate Map, which indicates a special flood hazard area.

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 endangered and federally threatened desert tortoise (*Gopherus agassizii*); the State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*), Swainson's hawk (*Buteo swainsonii*), 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 American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), spotted bat (*Euderma maculatum*), Townsend's big-eared bat (*Corynorhinus*

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townsendii), Le Conte's thrasher (*Toxostoma lecontei*), loggerhead shrike (*Lanius ludovicianus*), and coast horned lizard (*Phrynosoma blainvillii*); the State watch list prairie falcon (*Falco mexicanus*); and the State protected furbearing mammal desert kit fox (*Vulpes macrotis arsipus*).

The Project is also within the geographic range of several special-status plant species, including, but not limited to, the State endangered and California Rare Plant Rank (CRPR) 1B.3 Mojave tarplant (*Deinandra mohavensis*); the State candidate western Joshua tree (*Yucca brevifolia*); the CRPR 1B.1 Red Rock Canyon monkeyflower (*Erythranthe rhodopetra*); the CRPR 1B.2 alkali mariposa lily (*Calochortus striatus*), Barstow woolly sunflower (*Eriophyllum mohavense*), Charlotte's phacelia (*Phacelia nashiana*), Red Rock poppy (*Eschscholzia minutiflora* ssp. *twisselmannii*), and Red Rock tarplant (*Deinandra arida*); and the CRPR 1B.3 creamy blazing star (*Mentzelia tridentata*).

As noted in the NOP, the Project site is within a known flood hazard area, and, based on aerial imagery, appears to be within the historical floodplain of several prominent desert streams. CDFW emphasizes that siting the Project within the floodplain of desert streams and within relatively intact native desert scrub and desert wash habitats, may exacerbate the Project's potential impacts on the special-status species listed above, as these species are closely associated with the native habitats present within the Project site. For instance, several special-status animal species, including Mohave ground squirrel (MGS) and desert tortoise (DT) are known to utilize the habitats within Project vicinity and there is the strong potential these species occur within the Project site. Additionally, several plant species are known to occur within moist desert areas and desert washes present within the Project site. Project activities may also substantially change the bed, bank, and channel of a stream, and could be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Please note that CDFW's regulatory authority includes those stream features that are ephemeral, intermittent, or perennial, and may include the stream's associated floodplain. CDFW recommends that the DEIR consider this when developing and evaluating Project alternatives, and that the Project be sited to avoid and minimize impacts to biological resources to the maximum extent possible.

In order to support the adequate assessment of potential impacts to biological resources in the DEIR, 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

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may be present within the Project site. Survey areas should also include the route(s) of any new or modified generation transmission lines, if applicable.

CDFW recommends this initial work be documented within the DEIR 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/or mitigation measures. This information and analysis may then be used in the DEIR to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. 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.

Desert Tortoise

The Project site is located within an area known to support a local population of DT, and several recent DT occurrences have been documented around the Project site (CDFW 2026). The site is also located approximately 3 miles from the Desert Tortoise Research Natural Area, a known DT preserve that is actively being managed for the species. DT are most common in desert scrub, desert wash, and Joshua tree habitats (CDFW 2018a). Based on aerial imagery, the Project site contains high quality habitat suitable for DT.

As such, it is recommended that the Project proponent consult with CDFW for guidance on how to implement the Project and avoid take of the species. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, subdivision (b), would be necessary to comply with CESA. CDFW also recommends that protocol DT surveys be conducted within the Project site and an appropriate survey buffer following the protocol contained in "Preparing for any action that may occur within the range of the desert tortoise (*Gopherus agassizii*)" (USFWS 2019) as part of the biological studies conducted in support of the DEIR. CDFW also recommends the DEIR include the following measures:

Recommended Mitigation Measure 1: DT Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that a qualified biologist conduct additional DT surveys within the Project site and an appropriate survey buffer the survey season immediately prior to Project implementation following

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protocols in “Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassii*)” (USFWS 2019).

Recommended Mitigation Measure 2: DT Consultation

If surveys indicate the presence or potential presence of DT within the Project site, consultation with CDFW is recommended for guidance on how to implement the Project and avoid take of the species. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA.

Mohave Ground Squirrel

The Project site is located within the range of Mohave ground squirrel (MGS), and a number of recent and historic MGS occurrences have been documented within 5 to 10 miles of the Project site (CDFW 2026). Suitable MGS habitat includes all broadly described plant communities in the western Mojave Desert including saltbush scrub, creosote bush scrub, western Joshua tree woodland, and sagebrush scrub (Gustafson 1993). Based on aerial imagery, the Project contains suitable habitat for MGS.

CDFW recommends that a qualified permitted biologist conduct focused surveys for MGS following the methods described in the Mohave Ground Squirrel Survey Guidelines (CDFW 2023a) as part of the biological studies conducted in support of the DEIR. CDFW also recommends the DEIR include the following measures:

Recommended Mitigation Measure 3: MGS Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that a qualified permitted biologist conduct protocol surveys for MGS following the methods described in the “Mohave Ground Squirrel Survey Guidelines” (CDFW 2023a) during the appropriate survey season prior to Project implementation, including any vegetation or ground disturbing activities. Results of the MGS surveys are recommended to be submitted to CDFW. Please note MGS surveys are valid for one year and CDFW recommends surveys be conducted within a year of the start of ground-disturbing activities.

Recommended Mitigation Measure 4: MGS Take Authorization

If an individual MGS or MGS burrow is detected during surveys or otherwise observed, consultation with CDFW is recommended for guidance on how to

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

Swainson's Hawk

The Project is within the known historic range of Swainson's hawk (SWHA), which are known to travel for miles to forage and exhibit high nest-site fidelity year after year. The scarcity of suitable nesting habitat in the western Mojave Desert limits SWHA local distribution and abundance (CDFW 2016), making this population particularly vulnerable to the impacts of development, such as loss of foraging habitat. Based on aerial imagery, the Project site may contain suitable foraging habitat for SWHA.

CDFW recommends that a qualified biologist conduct a habitat assessment for SWHA as part of the biological technical studies conducted in support of the DEIR to determine whether there may be potential for SWHA to forage or nest within Project vicinity. CDFW also recommends the DEIR evaluate potential impacts to SWHA, including impacts to SWHA foraging habitat. If it is determined that Project activities have the potential to impact SWHA, CDFW recommends consulting with CDFW regarding focused survey methods and avoidance, minimization, and mitigation measures. 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 a historical occurrence was documented approximately 1.5 miles from the Project site (CDFW 2026). TRBL breed within the vicinity of fresh water, primarily in marshy areas, and may travel several kilometers to forage (Beedy et al. 2023). TRBL are also known to breed in alfalfa, wheat, and other low agricultural crop fields, and these fields are becoming an increasingly important nesting habitat type (Beedy et al. 2023). Based on aerial imagery, the Project site may provide suitable habitat for TRBL nesting and foraging, particularly during periods of inundation and/or surrounding the Project's planned retention basins.

CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR. If potentially suitable nesting habitat is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such as avoidance, take authorization, and mitigation. If take cannot be avoided, take authorization through the

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acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

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 several recent and historical occurrences located within 2 to 5 miles of the Project site (CDFW 2026). 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 likely contain suitable habitat for BUOW nesting and foraging.

As BUOW may 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) as part of the biological studies conducted in support of the DEIR.

In addition to conducting BUOW surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 5: BUOW Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the DEIR 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 6: 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

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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 7: 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 very recent occurrences (2019–2024) have been reported within 8 to 15 miles of the Project Site (CDFW 2026). CBB inhabit a variety of habitats, including grasslands, desert 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 occur within the Project site, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and immediate 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 2023b) as part of the biological studies conducted in support of the DEIR.

In addition to conducting a CBB habitat assessment and surveys, CDFW recommends the DEIR include the following measures:

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Recommended Mitigation Measure 8: CBB Surveys Prior to Construction

Depending on the time between the initial survey efforts, if potentially suitable habitat is identified and regardless of what time of year Project activities will be conducted, 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 2023b).

Recommended Mitigation Measure 9: 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 10: 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 and Desert Kit Fox

The Project site is within the known geographic range of American badger (AMBA) and desert kit fox (DKF), and several AMBA occurrences have been recorded around the 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). DKF is known to inhabit sparsely vegetated scrub habitats within the California desert that support small mammal populations (McGrew 1979). Based on aerial imagery, the Project site appears to contain habitat suitable for AMBA and DKF.

CDFW recommends that a qualified biologist assess the presence/absence of AMBA and DKF by conducting focused field surveys in all areas of potentially suitable habitat as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of AMBA, consultation with the CDFW is recommended

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for guidance on mitigation measures such as avoidance, minimization, and mitigation. If surveys indicate the presence or potential presence of DKF, consultation with the CDFW is recommended for guidance on take avoidance measures.

Other Special-Status Animal Species

The Project site is within the known geographic range of additional special-status animal species including, but not limited to, pallid bat, spotted bat, Townsend's big-eared bat, Le Conte's thrasher, loggerhead shrike, prairie falcon, and coast horned lizard. CDFW recommends that a qualified biologist conduct habitat assessments for these species in advance of the biological technical studies conducted in support of the DEIR. If potentially suitable habitat is identified, consultation with CDFW is recommended for guidance on developing Project-specific and species-specific survey methodology to be conducted as part of the biological technical studies.

Le Conte's Thrasher

CDFW notes that on September 16, 2025, the California Fish and Game Commission (Commission) received a petition to list Le Conte's thrasher (LETH) as a threatened or endangered species under CESA. If the Commission takes action and LETH becomes a candidate for listing pursuant to CESA (possibly 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 LETH cannot be achieved. As such, in the event the species becomes listed under CESA and LETH is documented within the Project site during pre-activity surveys, consultation with CDFW is recommended for guidance on how to implement the Project and avoid take.

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 2018b). 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

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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. Additional focused survey recommendations for western Joshua tree (WJT) and are provided below.

Western Joshua Tree

The Project site is within the known geographic range of WJT, which is a candidate threatened species under CESA. Under CESA, species classified as candidate species receive the same legal protection afforded to an endangered or threatened species. Take of any CESA-listed species is prohibited except as authorized by State law (Fish and Game Code, §§ 2080 & 2085). Additionally, the California state legislature has enacted the Western Joshua Tree Conservation Act (WJTCA), which aims to protect WJT and provides another permitting mechanism for the incidental take of WJT.

CDFW recommends that a qualified botanist conduct focused surveys to identify the locations, number, and health of any WJT individuals within the Project site and a 50-foot buffer of the site as part of the biological technical studies conducted in support of the DEIR. If WJT are identified during surveys and are unable to be avoided, CDFW recommends the Project proponent consult with CDFW and obtain appropriate take authorization under CESA. CDFW also recommends the DEIR include the following measures:

Recommended Mitigation Measure 11: WJT Take Authorization

If take of WJT 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. Alternatively, the Project proponent has the option to obtain take authorization through issuance of a WJTCA ITP, pursuant to Fish and Game Code section 1927.3.

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Editorial Comments and/or Suggestions

Lake and Streambed Alteration: As stated in the NOP, FEMA has designated the majority of the Project site as a special flood hazard area, and aerial imagery reveals several stream features on the Project site. 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); (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 the features associated floodplain.

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

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 Fremont 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.

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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.

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.

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.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analyses conducted in support of the Project's DEIR 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>. The completed form can be mailed electronically to the CNDDDB at the following email address: 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 NOP 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 Amanda Canepa, Senior Environmental

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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 (MMRP)

ec: State Clearinghouse
Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

Amanda Canepa
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: Pappas Solar Project by Radiant BMT, LLC

SCH No.: 2026030182

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
DT	
Recommended Mitigation Measure 1: DT Surveys	
Recommended Mitigation Measure 2: DT Consultation	
MGS	
Recommended Mitigation Measure 3: MGS Surveys	
Recommended Mitigation Measure 4: MGS Take Authorization	
BUOW	
Recommended Mitigation Measure 5: BUOW Surveys Prior to Construction	
Recommended Mitigation Measure 7: BUOW Take Authorization	
CBB	
Recommended Mitigation Measure 8: CBB Surveys Prior to Construction	
Recommended Mitigation Measure 10: CBB Take Authorization	
WJT	
Recommended Mitigation Measure 11: WJT Take Authorization	
<i>During Construction</i>	
BUOW	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	
CBB	
Recommended Mitigation Measure 9: CBB Avoidance	