

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
wildlife.ca.gov

April 17, 2026

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
849 Allen Road
Bakersfield, California 93314
(661)589-6045
dbartel@rrbwsd.com

**Subject: Dillard Groundwater Recharge and Solar Array Project (Project)
Initial Study and Mitigated Negative Declarations (MND)
State Clearinghouse No.: 2026030503**

Dear Dan Bartel:

The California Department of Fish and Wildlife (CDFW) received an MND Rosedale-Rio Bravo Water Storage District (RRBWSO) 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 the Fish and Game Code. Although the public comment period has ended, CDFW respectfully requests that RRBWSO consider these comments prior to approving the MND.

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

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.

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 2

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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. The fully protected white tailed kite (*Elanus leucurus*) is known to occur in the Project area (CDFW 2026). Take of any fully protected species was previously prohibited and CDFW was not able to authorize their incidental take. Senate Bill No. 147, which became effective on July 10, 2023, amended Fish and Game Code sections 3511, 4700, 5050, and 5515, and added section 2081.15, to authorize CDFW to issue a permit under CESA that authorizes the take of a fully protected species resulting from impacts attributable to the implementation of specified projects, which include maintenance, repair, or improvement projects to critical regional or local water agency infrastructure, if certain conditions are satisfied.

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.

Water Rights: The capture of unallocated stream flows to artificially recharge groundwater aquifers is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 3

seq. CDFW, as Trustee Agency, is consulted by SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from Project activities.

PROJECT DESCRIPTION SUMMARY

Proponent: Rosedale-Rio Bravo Water Storage District (RRBWSD)

Objective: The proposed Project consists of the construction and operation of an approximate 50-acre groundwater recharge basin, consisting of two to three ponds containing elevated solar panel arrays. An elevated solar array would be constructed above the basin to generate power for existing Rosedale facilities and reduce evaporation, supported by a battery energy storage system (BESS) located northeast of the basin. The BESS would include battery enclosures, inverters, transformers, and switchgear and would store and manage solar-generated electricity. The Project would also involve installation of approximately 25-miles of new overhead, and where required, underground, power lines to convey electricity to a new point of interconnection with Pacific Gas & Electric near Cherry Avenue and SR 58; and installation of associated inflow pipelines, interbasin control structures, and berms constructed from onsite materials. Construction would occur over approximately 34 months and include grading, trenching, installation of solar and BESS equipment, and power line installation within existing and new easements.

The basin would provide approximately 6,000 acre-feet per year of groundwater recharge capacity. Water for groundwater recharge would be available from RRBWSD's existing Conjunctive Use Program, which includes water supplies from high-flow Kern River water, the Central Valley Project, and the State Water Project, and conveyed to the basin via existing pipelines. Project operation would involve periodic maintenance of the recharge basin, solar array, and BESS, with minor increases in vehicle trips. The solar array would have a capacity of 7,515 kilowatts (kW) of direct current power or 5,000 kW of alternating current power. The solar array would generate approximately 15.1 million kilowatt-hours of power per year. Decommissioning of the solar and battery systems would occur at the end of their useful life in accordance with applicable regulations at that time.

Location: The Project is located approximately 0.6 miles northeast of the State Route 43 and State Route 58 intersection in unincorporated Kern County; Township 29 South, Range 25 East, Section 36, Mount Diablo Base and Meridian; Stevens U.S. Geological

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 4

Survey 7.5-minute quadrangle; Assessor's Parcel Number (APN) 104-292-09; latitude 35.3615007 and longitude -119.2426459.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the RRBWSD in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the MND prepared for this Project.

Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records (CDFW 2026), and a review of aerial imagery of the Project and surrounding habitat, several special-status species could potentially be impacted by Project activities including but not limited to; the State and federally endangered Tipton's kangaroo rat (*Dipodomys nitratoides*), the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened Swainson's hawk (*Buteo swainsoni*) and and tricolored blackbird (*Agelaius tricolor*), the State fully protected white tailed kite (*Elanus leucurus*), the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); and the federally proposed threatened western spadefoot (*Spea hammondi*) and northwestern pond turtle (*Actinemys marmorata*). CDFW recommends that the following modifications and/or edits be incorporated into the MND, including proposed avoidance, minimization, and compensatory measures, prior to its adoption by the RRBWSD.

Tipton Kangaroo Rat

The MND states that Tipton kangaroo rat (TKR) have a low potential to occur in the Project area. There is a known occurrence of TKR within 1-mile of Project activities. Suitable TKR habitat includes areas of grassland, upland scrub, alkali sink, and saltbush scrub habitats that contain requisite habitat elements, such as small mammal burrows. Based on a review of aerial imagery, the Project area may contain habitat for TKR, and this species could be impacted by Project activities. The MND includes Mitigation Measure (MM) BIO-1(g), which includes minimization measures including if the species is found Project activities will stop until the species leaves the area. CDFW has concerns that the proposed MMs are not sufficient to avoid significant impacts and unauthorized take of TKR could occur. Without appropriate avoidance and minimization measures for TKR, potential significant impacts include loss of habitat, burrow collapse inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals. As such, CDFW recommends the MND include the following measures:

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 5

Recommended Mitigation Measure 1: TKR Surveys

To determine if TKR currently occupy the Project area, CDFW recommends that a qualified biologist conduct a habitat assessment for TKR within and near the Project area as part of the biological studies conducted in support of the MND. CDFW further recommends that focused protocol-level trapping surveys be conducted by a qualified wildlife biologist holding permits to do so by both CDFW and U.S. Fish and Wildlife Service (USFWS), in areas of suitable habitat. CDFW recommends that a trapping plan for determining presence of TKR be submitted to and approved by CDFW prior to trapping efforts, and follows the USFWS (2013) *Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats*, well in advance of ground-disturbing activities in order to determine whether impacts to TKR could occur. 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 Avoidance

In the absence of trapping surveys, CDFW recommends that where suitable habitat occurs within range of the species, that a 50-foot minimum no-disturbance buffer be maintained around all small mammal burrow entrances.

Recommended Mitigation Measure 3: TKR Take Authorization

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

San Joaquin Kit Fox

The MND includes several mitigation measures in MM BIO-1(g) to mitigate for impacts to San Joaquin kit fox (SJKF), including a 20 mile an hour speed limit, covered excavations or escape ramps, capping of open pipes that are greater than 3-inches in diameter, and if SJKF is found Project activities will stop until the species leaves the area. SJKF den in rights-of-way, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, etc., and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to Project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields and utilize streams and canals as dispersal corridors. Absence in any one year is not necessarily a reliable predictor of future SJKF potential to occur on a site. Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF, and the Project area is in the vicinity of areas of medium suitability for SJKF habitat (Cypher et al. 2013). As a result,

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 6

there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area. CDFW has concerns that the proposed MMs are not sufficient to avoid significant impacts and unauthorized take of SJKF could occur. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals. As such, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 4: SJKF Surveys and Minimization

CDFW recommends assessing presence or absence of SJKF by having qualified biologists conduct surveys in the Project area and a 500-foot buffer to detect SJKF and their sign following the USFWS *Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance* (USFWS 2011) (USFWS Protocol). Specifically, CDFW recommends conducting den surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground-disturbing activities.

Recommended Mitigation Measure 5: SJKF Avoidance

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

Recommended Mitigation Measure 6: SJKF Take Authorization

SJKF activity, den detection, or detection of individuals warrants consultation with CDFW to discuss how to 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.

Swainson's Hawk

The Project site is within the geographic range of Swainson's hawk (SWHA) and SWHA have been documented in the Project area (CDFW 2026). The MND acknowledges that SWHA could nest in the vicinity of and forage within the Project area. The MND provides in Mitigation Measure (MM) BIO-1(e) for construction to occur outside of the breeding season and if construction does occur during the breeding season that a qualified biologist will survey for SWHA nests within ¼ mile of the Project area generally following *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (SWHA TAC 2000), and having a qualified biologist present everyday if active nests are found within ¼ mile of Project activities. MM BIO-1(e) does not include a SWHA specific avoidance buffer, but MM BIO-1(f) for general nesting birds indicates if active nests are found an appropriate no-disturbance buffer shall be implemented. The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 7

impacts, including but not limited to avoiding take of individuals through nest failure or other means, as a result of Project implementation. CDFW has concerns that the proposed MMs are not sufficient to avoid significant impacts and unauthorized take of SWHA could occur. As such, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 7: SWHA Protocol Surveys

CDFW recommends that a qualified biologist conduct protocol surveys following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) and be conducted the survey season immediately prior to construction. The SWHA TAC survey protocol includes early season surveys to assist the Project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities

Recommended Mitigation Measure 8: 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 9: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and maintaining 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 area is within the known geographic range of tricolored blackbird (TRBL) and TRBL have been documented in the Project vicinity (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). Based on aerial imagery, portions of the Project area and immediate vicinity could provide potential nesting and foraging habitat for TRBL.

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 8

The MND acknowledges that TRBL has the potential to occur in the Project area and includes MM BIO-1(f) for general nesting birds which includes a specific survey distance for TRBL of 250-feet from Project activities and indicates if active nests are found an appropriate no-disturbance buffer shall be implemented. The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant impacts, including but not limited to avoiding take of individuals through nest failure or other means, as a result of Project implementation. CDFW has concerns that the proposed MMs are not sufficient to avoid significant impacts and unauthorized take of TRBL could occur. As such, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 10: TRBL Pre-Construction Surveys

If Project-specific activities will take place during the TRBL nesting season (i.e., March 15 through June 15), CDFW recommends that a qualified biologist conduct surveys for nesting TRBL within at least 500 feet of the Project site the season immediately prior to initiation of Project activities.

Recommended Mitigation Measure 12: TRBL Avoidance Buffer

If Project-specific activities will take place during the TRBL nesting season, and active TRBL nests are identified during surveys, consultation with CDFW is recommended for guidance on mitigation measures, such as avoidance, minimization, and mitigation. CDFW recommend avoidance buffers 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.

Recommended Mitigation Measure 13: TRBL Take Authorization

CDFW also recommends that in the event an active TRBL nest is detected, and avoidance 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.

White Tailed Kite (WTKI)

The Project area is within the known geographic range of white-tailed kite (WTKI) and WTKI have been documented in the Project vicinity (CDFW 2026). The MND acknowledges that WTKI has the potential to occur in the Project area and includes MM BIO-1(f) for general nesting birds which includes a specific survey distance for WTKI of 300-feet from Project activities and indicates if active nests are found an appropriate no-disturbance buffer shall be implemented. The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant impacts, including but not limited to avoiding take of individuals through nest

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 9

failure or other means, as a result of Project implementation. CDFW has concerns that the proposed MMs are not sufficient to avoid significant impacts and unauthorized take of WTKI could occur. As such, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 14: WTKI Surveys

CDFW recommends that focused WTKI surveys be conducted prior to the initiation of Project activities. CDFW recommends that these surveys occur within the Project area and a ½-mile buffer of the Project and be conducted by a qualified biologist.

Recommended Mitigation Measure 15: WTKI Avoidance

If WTKI is found prior to or during surveys or Project activities, CDFW recommends establishing a minimum no-disturbance buffer of ½ mile around active WTKI nests, and that this buffer be maintained until the end of the breeding season or until a qualified biologist has confirmed that the young have fledged and are no longer dependent on the nest or parental care. If active WTKI nests are 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.

Western Burrowing Owl

The California Fish and Game Commission (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 (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 geographic range of BUOW and have been documented within three miles of the Project area (CDFW 2026). The MND acknowledges that BUOW could be present within the Project area as suitable nesting, roosting, and foraging habitat exists in the Project area. For BUOW, MND MM BIO-1 (d) states that prior to Project-related ground disturbance, a qualified biologist will conduct BUOW surveys in accordance with the methods described in the *2012 Staff Report on Burrowing Owl Mitigation* (CDFG 2012), within suitable habitat. The MND also states that if active BUOW burrows are detected, that a qualified monitor will establish no disturbance buffers and be present during all construction activities within established buffer distances. CDFW concurs with conducting an avoidance survey in accordance with CDFG 2012 and CDFW. However, CDFW has concerns with the BUOW buffers included in the MND and that construction activities could still occur within these buffers. The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant impacts, including but not limited to avoiding take of individuals through nest failure or other means, as a result

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 10

of Project implementation. CDFW has concerns that the proposed MMs are not sufficient to avoid significant impacts and unauthorized take of BUOW could occur. As such, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 16: BUOW Avoidance Buffer

Should a BUOW 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 on Burrowing Owl Mitigation (CDFG 2012), 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 17: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation 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 area is within the range of Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands, scrub habitat, and ruderal vegetation that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements may be present within the Project area. CBB primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, underneath brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014, Hatfield et al. 2015). Overwintering sites for CBB mated queens include soft, disturbed soil (Goulson 2010) or leaf litter or other debris (Williams et al. 2014). As such, CDFW recommends the following:

Recommended Mitigation Measure 18: CBB 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 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 would need to be documented as part of the assessment.

Recommended Mitigation Measure 19: CBB Surveys

In areas of suitable habitat, CDFW recommends that a qualified biologist conduct focused surveys for CBB following the methodology outlined in the *Survey*

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 11

Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) during the vegetation blooming period prior to activities at Project sites.

Recommended Mitigation Measure 20: CBB Avoidance Buffer

If CBB is detected, then 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 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 21: 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.

Western Spadefoot

The Project is within the known geographic range of western spadefoot (WESP) and there is a documented occurrence within approximately five miles of the Project area (CDFW 2025). WESP occurs primarily in grasslands and seasonal wetlands with appropriate upland habitat, though they are also documented throughout the San Joaquin Valley in areas of irrigated agriculture, where features such as tailwater ponds and irrigation ditches are present. As the Project area contains these habitat features, there is the potential for WESP to be present within the Project site and vicinity. CDFW recommends the MND include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 22: WESP Focused Surveys

CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support WESP. If potential habitat exists, CDFW recommends a qualified biologist conduct focused breeding season surveys for WESP, using appropriate survey methodologies, prior to any ground-disturbing activities that may occur as part of the Project.

Recommended Mitigation Measure 23: WESP Avoidance Buffer

If burrows, soil 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

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 12

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 life stage 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.

Northwestern Pond Turtle

Northwestern pond turtle (NWPT) may occur within the Project area (CDFW 2026), and a review of aerial imagery shows habitats that NWPT utilize for nesting, overwintering, dispersal, and basking, including streams, ponded areas, irrigation canals, and riparian and upland habitats are in and within the vicinity of the Project area. 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). Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact NWPT populations. Without appropriate avoidance and minimization measures for NWPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality. CDFW recommends the MND include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 24: NWPT Surveys

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

Recommended Mitigation Measure 25: 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 area. 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.

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 13

Editorial Comments and/or Suggestions

Western Spadefoot: On September 24, 2025, the 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), would be necessary to comply with CESA if full avoidance of WESP could not be achieved. Please note that implementation of the recommended WESP 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.

Nesting Birds: To protect nesting birds, CDFW recommends that Project ground-disturbing and vegetation-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 in this letter.

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

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 14

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.

Lake and Streambed Alteration: The Project includes the diversion and storage of surface flows for groundwater recharge. Project activities, including the diversion of surface water, are subject to the notification requirement of 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 those that are highly modified such as canals and retention basins. Future on-going project operations and maintenance may involve activities that are jurisdictional under Fish and Game Code section 1602. CDFW recommends coordination with CDFW staff prior to groundbreaking activities on-site or submission of a Lake or Streambed Alteration Notification to determine if the activities proposed are subject to CDFW's jurisdiction.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement; 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 Lake or Streambed Alteration Agreement 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.

Water Rights: As stated previously, the capture of unallocated stream flows to artificially recharge groundwater aquifers is subject to appropriation and approval by the SWRCB pursuant to Water Code section 1200 et seq. CDFW recommends that the MND include a detailed description of the water rights and water entitlements that would pertain to the Project and address any applications or change petitions that RRBWSD will be filing. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to sensitive species and their habitats, it is advised that required consultation with CDFW occur well in advance of the SWRCB water right application process.

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 15

CNDDB Positive Submission of Data: Please note that the California Natural Diversity Database (CNDDB) is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not 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 CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The types of information reported to CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

FILING FEES

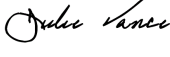
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental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

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 16

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the RRBWSD in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the RRBWSD with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to Jackson Powell, Environmental Scientist, at (559) 899-9758 Jackson.Powell@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment - MMRP Table

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

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 17

References

- Baumberger, Katherine A., Adam R. Backlin, Elizabeth A. Gallegos, Cynthia J. Hitchcock, and Robert N. Fisher. 2020. Mitigation Ponds Offer Drought Resiliency for Western Spadefoot (*Spea hammondi*) Populations. Bulletin, Southern California Academy of Sciences, 119(1) 6-17.
<https://doi.org/10.3160/0038-3872-119.1.6>
- California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>
- California Department of Fish and Wildlife (CDFW). 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 25 March 2026.
- Cypher, B. and N. Frost. 1999. Condition of San Joaquin kit foxes in urban and exurban habitats. Journal of Wildlife Management 63: 930–938.
- Cypher, B.L., S.E. Phillips, and P.A. Kelly. 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. Canid Biology & Conservation 16(7): 25-31.
- Goulson, D. 2010. Bumblebees: behaviour, ecology, and conservation. Oxford University Press, New York. 317pp.
- Grinnell, J. and A. Miller. 1944. The Birds of California. Cooper Ornithological Club, Berkeley, California, USA. 608 pp.
- Hatfield, R., S. Jepsen, R. Thorp, L. Richardson. and S. Colla. 2015. Bombus crotchii. The IUCN Red List of Threatened Species. <https://www.iucnredlist.org/species/44937582/46440211>
- Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>
- Thomson, R. C., A. N. Wright, and H. B. Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

Dan Bartel, Engineer-Manager
Rosedale-Rio Bravo Water Storage District
April 17, 2026
Page 18

Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208 pp.

United States Fish and Wildlife Service (USFWS). 2013. Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats. USFWS, Sacramento Field Office.

Attachment 1

Attachment 1

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

**PROJECT: Dillard Groundwater Recharge and Solar Array (Project)
Mitigated Negative Declaration (MND)
SCH No.: 2026030503**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Tipton's Kangaroo Rat (TKR)	
Recommended Mitigation Measure 1: TKR Surveys	
Recommended Mitigation Measure 3: TKR Take Authorization	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 4: SJKF Surveys and Minimization	
Recommended Mitigation Measure 6: SJKF Take Authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 7: SWHA Protocol Surveys	
Recommended Mitigation Measure 9: SWHA Take Authorization	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 10: TRBL Pre-Construction Surveys	
Recommended Mitigation Measure 13: TRBL Take Authorization	
White Tailed Kite (WTKI)	
Recommended Mitigation Measure 14: WTKI Surveys	
Western burrowing owl (BUOW)	
Recommended Mitigation Measure 17: BUOW Take Authorization	

Crotch's bumble bee (CBB)	
Recommended Mitigation Measure 18: CBB Habitat Assessment	
Recommended Mitigation Measure 19: CBB Surveys	
Recommended Mitigation Measure 21: CBB Take Authorization	
Western Spade Foot (WESP)	
Recommended Mitigation Measure 22: WESP Focused Surveys	
Northwestern pond turtle (NWPT)	
Recommended Mitigation Measure 24: NWPT Surveys	
During Construction	
Tipton's Kangaroo Rat (TKR)	
Recommended Mitigation Measure 2: TKR Avoidance	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 5: SJKF Avoidance	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 8: SWHA Avoidance Buffer	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 12: TRBL Avoidance Buffer	
White Tailed Kite (WTKI)	
Recommended Mitigation Measure 15: WTKI Avoidance	
Western burrowing owl (BUOW)	
Recommended Mitigation Measure 16: BUOW Avoidance Buffer	
Crotch's bumble bee (CBB)	
Recommended Mitigation Measure 20: CBB Avoidance	
Western Spade Foot (WESP)	

Recommended Mitigation Measure 23: WESP Avoidance Buffer	
Northwestern pond turtle (NWPT)	
Recommended Mitigation Measure 25: NWPT Avoidance and Minimization	