



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

3602 Inland Empire Blvd., Suite C220
Ontario, CA 91764
wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

May 6, 2026
Sent via email

Luis Bejarano
Planner II
Imperial County Planning & Development Services
801 Main Street, El Centro, CA 92243
luisbejarano@co.imperial.ca.us

Subject: North Star 2 Solar and Battery Storage Project (Project)
Mitigated Negative Declaration (MND)
SCH# 2026040229

Dear Luis Bejarano:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Imperial County Planning and Development Services (ICPDS) for the Project pursuant 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, we appreciate 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 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.

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.

Luis Bejarano
Imperial County
May 6, 2026
Page 2

PROJECT DESCRIPTION SUMMARY

Proponent: Apex Energy Solutions, LLC

Objective: The objective of the Project is to construct and operate a 130-megawatt (MW) solar photovoltaic (PV) facility and a 175-MW battery energy storage system (BESS) facility that would connect to the existing Imperial Irrigation District's (IID) 230-kilovolt (kV) KN Line. Construction and operational water supply is proposed via a new groundwater well which would be drilled and operated on-site. Access will be provided via an improved access entry off Highway 78.

Location: The proposed Project is located on approximately 614 acres of privately-owned, vacant desert land approximately 13 miles east of Brawley in Imperial County, immediately north of State Route 78 on Assessor Parcel Numbers 039-140-013 and 039-140-014, at latitude 32°58'16.1"N and longitude 115°16'49.5"W.

Timeframe: Construction is anticipated to be completed in 12-18 months. The projected life of the Project is 25 to 30 years.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist ICPDS 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 document.

COMMENT 1:

Section: Evaluation of Environmental Impacts, **Page:** 43

Issue: CDFW is concerned that the MND has not accurately described or fully established the biological resources present onsite, limiting ICPDS's and CDFW's ability to analyze the Project's potential impacts, avoidance, and/or mitigation measures on candidate, sensitive, or special status species. The MND relies on literature reviews and reconnaissance surveys of the Project area that were conducted in October 2022. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for plants to be valid for a period of up to three years. The outdated and general nature of the biological information may not reflect current site conditions and does not account for the best available science (e.g., species-specific protocol surveys).

CDFW previously provided comments on the Project Proponent's proposed North Star 1 and North Star 3 projects in Imperial County on July 25, 2024, with a similar concern, and acknowledges and appreciates that the Recommended Potentially Feasible Mitigation Measures from those comment letters have been incorporated into the MND for North Star 2 Project.

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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information

Luis Bejarano
Imperial County
May 6, 2026
Page 3

reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT 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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist ICPDS in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Rose Banks, Senior Environmental Scientist, Specialist at (760) 218-0022 or Rose.Banks@wildlife.ca.gov .

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov