



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
wildlife.ca.gov

**GAVIN NEWSOM, Governor**  
**MEGHAN HERTEL, Director**



May 22, 2026

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**SUBJECT: REVIEW OF USE PERMIT #2026-002 AND INITIAL STUDY #2026-001, CL SIERRA INVESTMENTS, LLC, LASSEN COUNTY, STATE CLEARINGHOUSE NUMBER 2026041296**

Dear Matt Oden:

The California Department of Fish and Wildlife (CDFW) has reviewed the Informal Consultation Notice and Biological Resources Assessment Report (BRAR) for the above-referenced project (Project) posted for public comment on April 28, 2026. CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines<sup>1</sup>.

### **Project Description**

CL Sierra Investments, LLC is proposing "to construct a 300-megawatt (MW) AC Photovoltaic Solar Array over multiple parcels, which total approximately 1,861 acres. The project would include 80 blocks and inverters, approximately 500,000 720-Watt modules/panels, a Battery Energy Storage System (BESS), an onsite substation and tie-in to existing energy infrastructure. Energy produced from this project would be interconnected to NV Energy's transmission lines. APN's 133-070-013, 133-070-019, 133-070-020, 133-070-021, 133-080-063, 133-080-065, 133-120-008, 133-120-010, and 133-120-013 are zoned M-2-P-S-A (Heavy Industrial, Public Safety Airport Combining District) and have a land use designation of "Industrial" per the Wendel Area Plan, 1987. APN's 133-080-038, 133-080-042, 133-080-043, 133-080-044, 133-080-045, and 133-080-046 are zoned U-C-P-S-P-S-A (Upland Conservation, Public Safety Combining, Public Safety Airport Combining

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

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*District) and have an "Agriculture Extensive" land use designation per the Wendel Area Plan, 1987. The subject parcels are located near the Amedee Army Airfield in Herlong, CA and approximately 37 miles southeast of Susanville. APN's: 133-070-013, 133-070-019, 133-070-020, 133-070-021, 133-080-038, 133-080-042, 133-080-043, 133-080-044, 133-080-045, 133-080-046, 133-080-063, 133-080-065, 133-120-008, 133-120-010, and 133-120-013."*

Please note that the forthcoming environmental document should more thoroughly describe the whole action of the Project as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area, including temporary impacted areas such as equipment staging area, spoils areas, adjacent infrastructure development such as interties, and access and haul roads, if applicable. The Project description should also describe activities related to the operation and maintenance of the Project over its lifetime.

### **CDFW's 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 Agency 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.) or state listed rare plants pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code § 1900 et seq.), authorization as provided by the applicable Fish and Game Code may be required.

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## Comments and Recommendations

CDFW offers the comments and recommendations presented below to assist the Lead Agency in adequately identifying the Project's significant, or potentially significant, impacts on biological resources. CDFW appreciates that the Biological Resources Assessment Report (BRAR) was made available for early review. However, the BRAR does not adequately identify all biological resources of concern in the Project area, nor does it address and disclose all pertinent potential adverse impacts to such resources or provide appropriate and feasible mitigation measures. The forthcoming environmental document should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. The environmental document should include the following information:

### CESA Listed and Fully Protected Species

Honey Lake and its surrounding areas encompass valuable resources and habitat for plants and wildlife year-round. Protocol-level, focused surveys should be conducted at the appropriate time of year and time of day when CESA-listed and Fully Protected (FP) with the potential to occur in the Project area are active or otherwise identifiable to accurately assess project impacts on the species. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service. CNDDDB is positive sighting database, not an exhaustive and/or comprehensive inventory of all rare species and natural communities statewide. Species without reported sightings on CNDDDB are not without potential to occur. Please visit the [CDFW survey guidelines and recommended protocols for plants and special-status species](#)<sup>2</sup> for more information.

The BRAR states that, "*Suitable habitat was identified within the Study Area for special-status species. These species include Federally listed and State-listed special status species as well as migratory birds. Special-status species with the potential to occur within the Study Area include monarch butterfly, Carson wandering skipper, gray wolf, Townsend's big-eared bat, American badger, bank swallow, tricolored blackbird, Swainson's hawk, greater sandhill crane, burrowing owl, golden eagle, and California condor. Terracon's resulting recommendations include conducting nesting bird surveys and general take-*

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<sup>2</sup> <https://wildlife.ca.gov/Conservation/Survey-Protocols>

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avoidance surveys for special-status species. Additionally, in the event of an observation of a special-status species and/or nesting bird within the Study Area, Terracon recommends conducting a Worker Environmental Awareness Program (WEAP) training for all on-site staff during Project construction in as well as having a biological monitor present during vegetation clearing and ground disturbing activities.”

CDFW strongly recommends that all of the following CESA-listed and FP species be fully assessed for their likelihood to occur at the Project site and/or surveyed at the protocol level by a qualified biologist: Burrowing owl (*Athene cunicularia*, CESA Candidate), Swainson's hawk (*Buteo swainsoni*, CESA Threatened), Greater-sage grouse (*Centrocercus urophasianus*, CESA Candidate), Tricolored blackbird (*Agelaius tricolor*, CESA Threatened), Greater sandhill crane (*Antigone canadensis tabida*, CESA Threatened, CDFW FP), Golden eagle (*Aquila chrysaetos*, CDFW FP), and gray wolf (*Canis lupus*, ESA Endangered, CESA Endangered). Survey results as well as a thorough evaluation of how CESA-listed and FP species may be directly and indirectly impacted by Project construction, operation, and maintenance, including impacts to their foraging, breeding, and nesting behaviors should be included in the environmental document.

#### 1) Burrowing owl (BUOW)

Review of CNDDDB indicates that the Project area is within the range and predicted habitat of BUOW, and the BRAR includes a map of small burrows within the Project area, which may be used by BUOW. BUOW occupy open grassland, canal banks, rights-of-way, fallow lands, low-growing cropland (e.g., alfalfa), vacant lots, and large-sized rip rap along railroad tracks and jetties, etc., that contain small mammal burrows or burrow surrogates (e.g., culverts, piles of concrete rubble, or other features that can function as burrows), a requisite habitat feature used by BUOW for nesting, predator avoidance, and cover. Focused BUOW surveys should be conducted by a qualified biologist using methodology from CDFW's 2012 [Staff Report on Burrowing Owl Mitigation](#)<sup>3</sup>.

The environmental document should identify the Project's potential to result in the permanent and temporary loss, degradation, and impacts to BUOW habitat, as well as the potential that direct take of BUOW may occur during the Project activities and life of Project. BUOW rely on

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<sup>3</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California.

## 2) Swainson's hawk (SWHA)

The Project area is located within or near known SWHA occurrences on CNDDDB and eBird. The primary threat to the SWHA population in California continues to be habitat loss, especially the loss of suitable foraging habitat. Loss of foraging habitat may have been the greatest factor in reducing SWHA range and abundance in California over the last century<sup>4</sup>. Suitable foraging habitat is necessary to provide an adequate energy source for breeding SWHA adults, including support of nestlings and fledglings. Loss of foraging habitat may constitute a mandatory finding of significance under CEQA (Cal. Code Regs. Tit. 14, § 15065 (a)(1)). If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young<sup>5</sup>.

The Project area appears to have suitable foraging habitat for SWHA. As a CESA threatened species, SWHA warrants special considerations if indirect and/or direct impacts from the Project are anticipated. Since suitable nesting habitat may occur within/adjacent to the Project Area, CDFW recommends that SWHA surveys<sup>6</sup> are conducted by a qualified biologist at the appropriate time of year, prior to implementation of the CEQA document and any Project activities. CDFW recommends compensation for the loss of SWHA foraging habitat as described in the

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<sup>4</sup> California Department of Fish and Game (CDFG). 1993. 5-year Status Review: Swainson's hawk (*Buteo swainsoni*). Prepared for the California Fish and Game Commission. Nongame Bird and Mammal Program 1416 Ninth Street, Sacramento, CA

<sup>5</sup> Woodbridge, B. 1985. Biology and management of Swainson's hawk in the Butte Valley, California. U.S. Forest Service Report, 19 pp.

<sup>6</sup> California Department of Fish and Wildlife. (2010, June 1). *Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties* [PDF]. Retrieve from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>

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[Staff Report Regarding Mitigation for Impacts to Swainson's Hawks](#)<sup>7</sup>. The report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised

### 3) Greater-sage grouse (GRSG)

Review of CNDDDB indicates that the Project area is within the current range of GRSG, although no occurrences are documented. CDFW strongly recommends that a qualified biologist assess the Project area for suitable lekking, nesting, brood-rearing, and foraging habitat for GRSG.

### 4) Tricolored blackbird (TRBL)

According to CNDDDB, eBird, and iNaturalist, the Project Area is within or near TRBL habitat and documented occurrences. Project activities could result in significant impacts to TRBL through habitat alteration, elevated noise, fugitive dust, human presence, and/or lighting. Noise from road use, generators, and other equipment may disrupt TRBL mating calls or songs which could impact their reproductive success<sup>8</sup>. Bayne et al.<sup>9</sup> found that songbird abundance and density was significantly reduced in areas with high levels of noise.

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<sup>7</sup> California Department of Fish and Wildlife. (n.d.). *Staff report regarding mitigation for impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California* [PDF]. Retrieved from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992>

<sup>8</sup> e Blickley, Jessica L. and Patricelli, Gail L.(2010) 'Impacts of Anthropogenic Noise on Wildlife: Research Priorities for the Development of Standards and Mitigation', *Journal of International Wildlife Law & Policy*, 13: 4, 274 — 292

<sup>9</sup> Bayne EM, Habib L, Boutin S. Impacts of chronic anthropogenic noise from energy-sector activity on abundance of songbirds in the boreal forest. *Conserv Biol*. 2008 Oct;22(5):1186-93. doi: 10.1111/j.1523-1739.2008.00973.x. Epub 2008 Jun 20. PMID: 18616740.

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Prior to the commencement of Project activities, a qualified biologist should conduct a field assessment to determine if existing or potential nesting or foraging sites are present within the Project Area and adjacent areas within 0.5 miles of the Project Area. The preconstruction assessment should be completed during the breeding season (March 1 through September 15) prior to ground-disturbing activities. Adjacent parcels under different land ownership should be surveyed only if access is granted or if the parcels are visible from authorized areas. Project Proponent shall map all existing or potential nesting or foraging sites and provide these maps to the Lead Agency. Nesting sites, including both currently occupied nesting sites and sites known to have been occupied within the last five years, shall be noted on submitted maps. If suitable nesting or foraging habitat is determined to be present onsite or adjacent to the Project site during the preconstruction assessment, the Project Proponent should conduct TRBL preconstruction surveys prior to initiating any Project related work.

If nesting habitat is found to be present within or adjacent to the Project Area, a qualified biologist should conduct a preconstruction survey to determine if active nests are present within the Project Area, or within 500 feet of Project-related activity if existing or potential nest sites were found during surveys and Project activities will occur during the breeding season (March 1 through September 15). The qualified biologist shall conduct preconstruction surveys within 30 days of the commencement of Project activities and again within 3 days of ground-disturbing Project activities within the proposed Project Area and within 500 feet of the Project Area to determine the presence of nesting TRBL. The surveys should be separated by at least three weeks. Preconstruction surveys shall be conducted during the breeding season (March 1 through September 15). The surveys should be based on survey methods identified in the [Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1](#)<sup>10</sup>.

#### 5) Greater sandhill crane (SACR)

Suitable breeding habitat for SACR include wet meadows and emergent wetlands with adjacent open foraging areas (e.g., grain fields and short-

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<sup>10</sup> Meese, R. J. (2017). *Results of the 2017 Tricolored Blackbird Statewide Survey*. California Department of Fish and Wildlife, Wildlife Branch, Nongame Wildlife Program Report 2017-04, Sacramento, CA. 27 pp. + appendices. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=151160>

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grass plains). According to CNDDDB and aerial imagery, suitable habitat is potentially present within or near the Project area.

Prior to the issuance of the environmental document, a qualified biologist should complete a preconstruction field assessment to determine whether suitable or occupied nesting and foraging habitat occurs within the Project area and in adjacent lands that are accessible or visible, using a conservative study buffer (e.g., up to 0.5 mile) given SACR large area requirements and sensitivity to disturbance. Disturbance should be minimized during the core breeding/nesting season (approximately April 15–July 31), with brood-rearing often extending into August–September, and potential sites should be mapped for the Lead Agency, including those occupied within the last five years<sup>11</sup>.

If suitable nesting or foraging habitat is present onsite or immediately adjacent, a qualified biologist should conduct preconstruction surveys for SACR following standard CEQA practice for nesting birds, applying no-work buffers of  $\geq 500$  feet around active nests during the breeding season and expanding buffers where line of sight, noise levels, or lack of visual screening could elevate disturbance; buffer size should be adjusted based on site conditions and agency guidance, with documentation provided to the Lead Agency. In addition to buffers, avoidance/minimization measures should include dust and noise control, restricting work hours to avoid crepuscular periods, shielding or curtailing lighting during migration/staging windows, and maintaining clear project boundaries. Finally, given that water level management and wet meadow integrity strongly influence crane nesting success, any activity affecting hydrology or wetland vegetation within or near suitable habitat should be evaluated and conditioned to maintain shallow water and vegetative cover during incubation and brood rearing.

#### 6) Golden eagle (GOEA)

According to CNDDDB, the Project area falls within GOEA range, and there are several observations of GOEA documented on eBird on Wendel Road and along the east side of Honey Lake. Aerial imagery

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<sup>11</sup> California Department of Fish and Game. (1994). *Five-Year Status Review: Greater Sandhill Crane (Grus canadensis tabida)*. Wildlife Management Division, Nongame Bird and Mammal Program. Retrieved from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3521>

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indicates that potentially suitable foraging and/or nesting habitat for GOEA occurs on the Project site. CDFW recommends that an eagle assessment be prepared by a qualified biologist to determine the potential for nesting and foraging habitat onsite, as well as to determine the potential for direct and indirect impacts to eagles from Project construction and operation. The [Protocol for Golden Eagle Occupancy, Reproduction, and Prey Population Assessment](#)<sup>12</sup>, [Protocol for Evaluating Bald Eagle Habitat and Populations in California](#)<sup>13</sup> should be referenced by the qualified professional.

#### 7) Gray wolf (GW)

GW were likely extirpated from California in the 1920s but began to naturally recolonize California from adjacent states in 2011. Today, nine confirmed packs occur in California, with several located in or around Lassen County, including southwest Lassen County near the border of Nevada. Prior to the issuance of the environmental document, a qualified biologist should complete a preconstruction field assessment to determine whether suitable or active (depending on seasonality) denning and rendezvous habitat occurs within or adjacent to the Project area. Please ensure that the most recent information available for this species is referenced in the environmental document. Detailed information and regular updates on gray wolf movement can be found on the [CDFW gray wolf webpage](#)<sup>14</sup>.

#### Species of Special Concern

Species of special concern (SSC) status applies to animals generally not listed under the federal Endangered Species Act (ESA) or CESA, but which nonetheless are declining at a rate that could result in listing or have historically occurred in low numbers and known threats to their persistence exist. SSCs should be considered during the environmental review process. SSCs that have the potential or have been documented to occur within or adjacent to the Project site include, but are not limited to: Loggerhead shrike (*Lanius ludovicianus*), American white pelican (*Pelecanus erythrorhynchos*), Northern harrier (*Circus hudsonius*), short-eared owl (*Asio flammeus*), Long-eared owl (*Asio otus*), American badger (*Taxidae taxus*), and Townsends big-eared bat (*Corynorhinus townsendii*). CDFW recommends that the Lead Agency include

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<sup>12</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83955&inline>

<sup>13</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83707&inline>

<sup>14</sup> <https://wildlife.ca.gov/Conservation/Mammals/Gray-Wolf>

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an assessment of direct, indirect impacts, and cumulative impacts of Project construction, operation, and maintenance to SSCs, including impacts to foraging, breeding, and nesting behaviors.

### 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).

To avoid impacts to nesting birds protected under Fish & Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following should be implemented:

- a) Vegetation removal, land modification and ground-disturbing activities should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
- b) If vegetation removal, land modification and ground disturbing activities occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project Area.

Surveys should begin prior to sunrise and continue until vegetation, and nests have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and, at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, presence of predators).

If an active nest is located during pre-construction surveys, a non-disturbance buffer should be established around the nest by a qualified biologist in

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consultation with CDFW and U.S. Fish and Wildlife Service to comply with Fish & Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified during the survey, as well as ongoing monitoring by biologists.

Nesting bird surveys should be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site should be resurveyed.

### Avian Impact and Mortality Assessment

The entire Project area is located within the [Honey Lake Valley Important Bird Area](#)<sup>15</sup> ("IBA"). IBAs are officially designated places of international significance for the conservation of birds and other biodiversity. IBAs are:

- Recognized world-wide as practical tools for conservation.
- Distinct areas for practical conservation action.
- Identified using robust, standardized criteria.
- Sites that together form part of a wider integrated approach to the conservation and sustainable use of the natural environment.<sup>16</sup>

CDFW strongly encourages the Lead Agency include an avian impact assessment for the life of the Project. The Project area occurs within the pacific flyway migratory corridor, known to be used by millions of birds, including aquatic birds, each year. Because they polarize reflected sunlight similarly to waterbodies, solar arrays may attract birds that mistake them with water, and collisions with solar panels or related infrastructure can occur, resulting in injury or death.<sup>17</sup> Such impacts could continue for the life of the Project and may be significant. Even panels with non-reflective coatings polarize light to an extent. It is important to approximate the potential impacts (short term and long term) of Project implementation in order to inform the need for mitigation within the environmental document.

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<sup>15</sup> <https://www.nevadaaudubon.org/area-birding-guides/area-7-honey-lake>

<sup>16</sup> <https://datazone.birdlife.org/about-our-science/ibas>

<sup>17</sup> <https://www.energy.ca.gov/sites/default/files/2024-06/CEC-500-2024-055.pdf>

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### Special Status Plants and Sensitive Natural Communities

The BRAR identified only one special-status plant, Webber's ivesia (*Ivesia webberi*), to be evaluated in the Project area. CDFW has identified at least 37 special-status plants with a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) between 1B.2 and 2B.3 within or near the Project area that should be assessed prior to the release of an environmental document: Great Basin onion (*Allium atrorubens* var. *atrorubens*, CRPR 2B.3), Macdougals lomatium (*Lomatium foeniculaceum* ssp. *Macdougalii*, CRPR 2B.2), Paiute lomatium (*Lomatium ravenii* var. *paiutense*, CRPR 2B.3), adobe lomatium (*Lomatium roseanum*, CRPR 1B.2), Nevada daisy (*Erigeron eatonii* var. *nevadincola*, CRPR 2B.3), Plumas rayless daisy (*Erigeron lassenianus* var. *deficiens*, CRPR 1B.3), sticky pyrrocoma (*Pyrrocoma lucida*, CRPR 1B.2), green-flowered princes plume (*Stanleya viridiflora*, CRPR 2B.3), many-flowered thelypodium (*Thelypodium milleflorum*, CRPR 2B.2), Great Basin downingia (*Downingia laeta*, CRPR 2B.2), sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*, CRPR 2B.2), Hillmans silverscale (*Atriplex argentea* var. *hillmanii*, CRPR 2B.2), western seablite (*Suaeda occidentalis*, CRPR 2B.3), Hillmans cleomella (*Cleomella hillmanii* var. *hillmanii*, CRPR 2B.2), Geyers milk-vetch (*Astragalus geyeri* var. *geyeri*, CRPR 2B.2) lance-leaved scurf-pea (*Ladeania lanceolata*, CRPR 2B.2), intermontane lupine (*Lupinus pusillus* var. *intermontanus*, CRPR 2B.3), hollyleaf clover (*Trifolium gymnocarpon*, CRPR 2B.3), naked-stemmed phacelia (*Phacelia gymnoclada*, CRPR 2B.3), Santa Lucia dwarf rush (*Juncus luciensis*, CRPR 1B.2), cut-leaf checkerbloom (*Sidalcea multifida*, CRPR 2B.3), currant-leaved desert mallow (*Sphaeralcea grossulariifolia*, CRPR 2B.3), Great-Basin claytonia (*Claytonia umbellata*, CRPR 2B.2), Kelloggs sand-verbena (*Tripterocalyx crux-maltae*, CRPR 2B.2), cruciform evening-primrose (*Chylismia claviformis* ssp. *Cruciformis*, CRPR 2B.3), Nelsons evening-primrose (*Eremothera minor*, CRPR 2B.3), spiny milkwort (*Rhinotropis subspinoso*, CRPR 2B.2), Schoolcrafts wild buckwheat (*Eriogonum microtheca* var. *schoolcraftii*, CRPR 1B.2), Dugway wild buckwheat (*Eriogonum nutans* var. *nutans*, CRPR 2B.3), ochre-flowered buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*, CRPR 2B.2), prostrate buckwheat (*Eriogonum prociduum*, CRPR 1B.2), winged dock (*Rumex venosus*, CRPR 2B.3), Nuttalls ribbon-leaved pondweed (*Potamogeton epihydrus*, CRPR 2B.2), eel-grass pondweed (*Potamogeton zosteriformis*, CRPR 2B.2), broadleaf pondweed (*Stuckenia striata*, CRPR 2B.3), Sierra Valley ivesia (*Ivesia aperta* var. *aperta*, CRPR 1B.2), Baileys ivesia (*Ivesia baileyi* var. *baileyi*, CRPR 2B.3), Plumas ivesia (*Ivesia sericoleuca*, CRPR 1B.2).

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Plants listed pursuant to CESA and the Native Plant Protection Act, as well as other special-status plants such as those with a CRPR may occur within the Project site. Special-status plant species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species, all of which may be impacts of the Project. Therefore, impacts of the Project will potentially have significant and cumulative impacts to populations of the species mentioned above if present within the Project site.

CDFW recommends that a qualified botanist follow the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)<sup>18</sup>. This protocol, which is intended to maximize detectability, includes identification and use of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period and should occur over two survey seasons to reduce climate variability that might affect seasonal bloom. If special-status plants are detected, CDFW recommends they be avoided by delineating and maintaining a no-disturbance buffer from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and/or mitigation measures for impacts to special-status plant species. If a CESA-listed plant species are identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take of that species.

Additionally, the BRAR states that, "Vegetation observed within the Study Area consisted primarily of native Great Basin scrub species and other non-native species, dominantly greasewood (*Sarcobatus vermiculatus*). Additional species observed among this dominant species include, but are not limited to bush seepweed (*Suaeda nigra*), desert saltgrass (*Distichlis spicata*), cheatgrass (*Bromus tectorum*), budsage (*Artemisia spinescens*), spiny hopsage (*Grayia spinosa*), squirreltail (*Elymus elymoides*), shadscale (*Atriplex confertifolia*), clasping pepperweed (*Lepidium perfoliatum*), rubber rabbitbrush (*Ericameria nauseosa*), shortspine horsebrush (*Tetradymia spinosa*), big sagebrush (*Artemisia tridentata*), Great Basin wildrye (*Elymus cinereus*), povertyweed (*Iva axillaris*), saltlover (*Halogeton glomeratus*), Russian prickly thistle (*Salsola tragus*), Medusa

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<sup>18</sup> California Department of Fish and Wildlife. (2018, March 20). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* [PDF]. Retrieved from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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*head (Elymus caput-medusae), and brownplume wirelettuce (Stephanomeria pauciflora)."*

Greasewood (*Sarcobatus vermiculatus*) and salt grass (*Distichlis spicata*), and greasewood and big sagebrush (*Artemisia tridentata*), are listed as occurring on site. If they occur together, these associations are considered a sensitive natural community. Sensitive natural communities should be clearly identified and mapped, and any impacts to sensitive natural communities should be considered and disclosed in the environmental document. CDFW encourages the County to adopt appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of construction and long-term operation and maintenance of the Project.

#### Wetland Delineation

CDFW is concerned that certain playa features within the Project area may indicate that the Project may impact much more wetland habitat than is indicated in the BRAR. The soils section of the BRAR states that the dominant soil series is Playas, which is considered a hydric soil. The presence of the Playa soil series indicates that the soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions and may contribute to meet the state's definition of a wetland and should be documented and analyzed in the environmental document. Additionally, much of the Project area is dominated by greasewood scrub, or *Sarcobatus vermiculatus* shrubland alliance, which may be part of a sensitive natural wetland community and is often found in saline or alkaline soils with a shallow water table in floodplains, dry lakebeds, lagoon bars, stream terraces, and the edges of playas. According to CNPS, greasewood scrub is classified under the cool semi-desert alkali-saline wetlands macro group, which is associated with playas, washes, mudflats and depressional wetlands.

Due to the severe declines of wetlands, CDFW considers impacts to wetlands to be potentially significant and has a "no net loss" policy regarding wetland habitat<sup>19</sup>. A delineation of all wetlands, lakes, streams, and any associated riparian habitats (as defined by the State of California) should be performed. A

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<sup>19</sup> California Fish and Game Commission. (2005, August 18). *Wetlands Resources Policy* [Policy statement]. Retrieved from <https://fgc.ca.gov/About/Policies>

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thorough impact analysis should also be included for any potentially affected wetlands, lakes, streams, and riparian habitat found onsite and offsite. The delineation report should include a preliminary jurisdictional delineation, including wetlands identification pursuant to the U. S. Fish and Wildlife Service wetland definition, as adopted by CDFW, and should be provided for agency and public review. Please note that some wetland and riparian habitats subject to CDFW and State Water Resources Control Board authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. In addition to “federally protected wetlands” (see CEQA Appendix G (IV)(c)), CDFW considers impacts to any wetlands (as defined by CDFW) as potentially significant. CDFW recommends that’s wetlands be delineated pursuant to U.S. Army Corps of Engineers Criteria, as well as the State Water Board [State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State](#)<sup>20</sup>.

### Photovoltaic Heat Island Effect

Photovoltaic (PV) modules can emit thermal radiation both upwards and downwards and are often warmer than ambient temperatures during the day. When PV modules, typically in utility-scale solar facilities, heat the surrounding environment, this is known as the “Photovoltaic Heat Island (PVHI) effect.” PVHI has the potential to influence wildlife habitat and ecosystem functions (Barron-Gafford et al., 2016<sup>21</sup>). CDFW encourages the Project proponent and Lead Agency to consider the potential for PVHI effect to impact surrounding sensitive natural resources and ecosystem functions.

### Low Impact Development

The Project Area is adjacent to suitable habitat for aquatic special status species. CDFW recommends the implementation of Low Impact Development<sup>22</sup> (LID) strategies to prevent a net-increase in stormwater runoff from new developments and parking lots. LID strategies may include permeable pavement, vegetated stormwater bio-swales and retention basins to treat, retain and infiltrate stormwater runoff on-site. These LID strategies are typically

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<sup>20</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/2021/procedures.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf)

<sup>21</sup> Barron-Gafford, G. A. et al. The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures. *Sci. Rep.* 6, 35070; doi: 10.1038/srep35070 (2016).

<sup>22</sup> California State Water Resources Control Board. (n.d.). *Low Impact Development – Sustainable storm water management*. Retrieved April 21, 2026, from [https://www.waterboards.ca.gov/water\\_issues/programs/low\\_impact\\_development/index.html](https://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.html)

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designed to prevent project generated stormwater runoff from exceeding that of a 100-year storm event, to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and the outflow of toxic pollutants such as 6PPD-quinone, a chemical contaminant derived from vehicle tires, suspected to negatively impact aquatic organisms. Ideally, post-Project stormwater run-off volume, rate and duration will match pre-project conditions and hydro modification would not occur as a result of the Project. CDFW supports the use of LID strategies because they minimize impacts to aquatic habitats by filtering out pollutants, decrease peak flows, minimize erosion, and increase ground water recharge.

### Wildlife-Friendly Fencing

CDFW understands fences are essential for safety and controlling trespass. However, inappropriately designed or placed fencing may create serious hazards and/or barriers to wildlife. CDFW strongly encourages perimeter fencing to be designed and implemented to alleviate potential hazards to wildlife and allow for wildlife movement across the landscape. This resource may provide useful information about wildlife friendly fencing techniques: [A Landowners Guide to Wildlife Friendly Fences](#)<sup>23</sup>.

### Lighting

Studies have shown that artificial lighting has adverse effects on wildlife and plant species. The effects may include, but are not limited to, alteration of flowering, photosynthesis, foraging, reproduction, navigation (being attracted to or deterred from), migration patterns (including movement barriers of light) and predator-prey dynamics. To minimize adverse effects of artificial light on wildlife, CDFW recommends that lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize light-pollution and spillover of light onto adjacent wildlife habitat. Studies have found that it's best to use lower-intensity, warmer-colored lighting that may also be lower on the light spectrum (lower Kelvin values with fewer short-wavelength blue light emissions)<sup>24</sup>.

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<sup>23</sup> [https://fwp.mt.gov/binaries/content/assets/fwp/conservation/land-owner-wildlife-resources/a\\_landowners\\_guide\\_to\\_wildlife\\_friendly\\_fences.pdf](https://fwp.mt.gov/binaries/content/assets/fwp/conservation/land-owner-wildlife-resources/a_landowners_guide_to_wildlife_friendly_fences.pdf)

<sup>24</sup> Kevin J. Gaston, Thomas W. Davies, Sophie L. Nedelec, Lauren A. Holt. 2017. Impacts of Artificial Light at Night on Biological Timings. *Annual Review Ecology, Evolution, and Systematics*. 48:49-68. <https://doi.org/10.1146/annurev-ecolsys-110316-022745>

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### California Endangered Species Act (CESA)

Please be advised that a CESA permit<sup>25</sup> must be obtained if the Project has the potential to result in “take” (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in the take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code section 2081(b)(2).

Note that under CESA, “minimization” refers to reducing the extent or likelihood of take through measures that reduce harm, while “full mitigation” involves compensating for the remaining impacts of take that cannot be avoided through minimization measures. The BRAR refers to general take-avoidance surveys for listed species, but does not include adequate measures to avoid and minimize impacts to CESA listed and FP species, and does not include any adequate measures necessary to achieve full mitigation for the take of listed species consistent with CESA by identifying compensatory mitigation strategies and adequate funding to ensure mitigation can be completed, as required for compliance Fish and Game Code sections 2081 and 2081.15.

### Fully Protected Species

CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. With limited exceptions, fully protected species may not be taken or possessed at any time, and no licenses or permits may be issued for their take. In 2023, California Senate Bill 147 (SB 147) was signed into law. SB 147 codified Fish and Game Code section 2081.15 which allows CDFW to authorize take for unavoidable impacts to fully protected species for certain infrastructure projects, including *“solar photovoltaic project[s] and any appurtenant infrastructure improvement, and any associated electric transmission project carrying electric power from a facility that is located in the state to a point of junction with any California-based balancing authority, if certain conditions are satisfied.”*

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<sup>25</sup> <https://wildlife.ca.gov/Conservation/CESA/Permitting>

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The environmental document should include measures necessary to comply with the incidental take authorization requirements of Fish and Game Code section 2081.15, which requires full mitigation of impacts and all other requirements of subdivisions (b) and (c) of Fish and Game Code section 2081, as well as measures necessary to satisfy the conservation standard of subdivision (d) of Fish and Game Code section 2805, measures to ensure take is avoided to the maximum extent possible as to the species for which take is authorized, and a monitoring program and an adaptive management plan for monitoring the effectiveness of, and amending, as necessary, the measures to minimize and fully mitigate the impacts of the authorized take.

#### Lake and Streambed Alteration (LSA) Agreements

The Project Area is located within or near a shallow lake basin, and encompasses associated wetlands, ponds, and multiple streams, including seasonal drainages. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Work within lakebeds, streams, and/or associated wetlands is subject to notification requirements, and impacts to these hydrologic features, associated riparian and wetland habitat, and hydrologically connected floodplains caused by the proposed Project may require an LSA notification.

CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the lake, stream, wetland, and/or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of

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the agreement. To obtain information about the 1602 Notification process, please visit the LSA Program website<sup>26</sup>.

### **Filing Fees**

Filing fees are applicable when a Project would have an impact on fish and/or wildlife. 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.)

### **Submitting Environmental Data**

CEQA requires that information developed in environmental documents be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code, § 21003, subd. (e).) Accordingly, please report any observation of special status species to the CNDDDB using the CNDDDB field survey form<sup>27,28</sup>.

### **Promoting Collaboration**

CDFW is charged with preserving and protecting the state's diverse ecosystems and wildlife; therefore, CDFW maintains a strong commitment to collaborate with local government entities. CDFW is enthusiastic to continue assisting the Lead Agency in implementing comprehensive avoidance and minimization for the benefit of California's sensitive resources and aligning regulatory frameworks and appreciates the collaboration thus far. If you have any questions, please contact Helen Bowman, Senior Environmental Scientist (Specialist) by email at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

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<sup>26</sup> <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

<sup>27</sup> California Department of Fish and Wildlife. (2016, November). *CNDDDB Online Field Survey Form User Guide*. Retrieved from <https://nrm.dfg.ca.gov/fieldSurvey/default.aspx>

<sup>28</sup> California Department of Fish and Wildlife. (n.d.). *Submitting data to the California Natural Diversity Database (CNDDDB)*. Retrieved from <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

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Sincerely,

DocuSigned by:  
  
AA601B4C4B11422...

Michael Harris, Acting Regional Manager  
Northern Region

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