
Notice of Preparation of the Draft Program Environmental Impact Report for the Renewable Energy Ordinance Update, SCH No. 2026080075, Los Angeles County, CA

From Ngo, Mary@Wildlife <Mary.Ngo@wildlife.ca.gov>

Date Thu 9/3/2026 2:51 PM

To lacuna@planning.lacounty.gov <lacuna@planning.lacounty.gov>

Cc Barrera, Baron@Wildlife <Baron.Barrera@Wildlife.ca.gov>; LCI State Clearinghouse <State.Clearinghouse@lci.ca.gov>; Silva, Felicia@Wildlife <Felicia.Silva@Wildlife.ca.gov>

Dear Ms. Acuna:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (DEIR) prepared by Los Angeles County (County) for the Renewable Energy Ordinance Update (Project), State Clearinghouse No. 2026080075, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California's fish and wildlife resources. CDFW serves as a Trustee Agency for fish and wildlife resources and may also act as a Responsible Agency for future projects that require authorization under the California Endangered Species Act (CESA) or Fish and Game Code section 1600 et seq.

CDFW understands that the Project would amend Title 22 of the Los Angeles County Code to update regulations for solar and wind energy systems and temporary meteorological towers and to add regulations for battery energy storage systems and green hydrogen production facilities. The Project would also amend several area and specific plans, establish renewable energy permitting processes, and remove the current prohibition on ground-mounted utility-scale renewable energy production facilities within Economic Opportunity Areas.

CDFW offers the following comments and recommendations to assist the County in identifying and mitigating potentially significant direct, indirect, and cumulative impacts on biological resources.

1. Biological Baseline Assessment

Future projects that tier from the Renewable Energy Ordinance Update may result in ground disturbance and other direct or indirect impacts on biological resources. Accordingly, the DEIR should provide a complete program-level assessment of the flora, fauna, and sensitive habitats within and adjacent to areas where future renewable energy facilities may be developed.

The assessment should identify endangered, threatened, rare, and sensitive species; regionally and locally unique species; sensitive natural communities; and important wildlife movement areas. Sensitive species that may occur within the Project area include, but are not limited to, Crotch's bumble bee (*Bombus crotchii*; CESA candidate), burrowing owl (*Athene cunicularia*; CESA candidate), Swainson's hawk (*Buteo swainsoni*; CESA-listed endangered), LeConte's thrasher (*Toxostoma lecontei*; California Species of Special Concern (SSC)), loggerhead shrike (*Lanius ludovicianus*; SSC), mountain plover (*Charadrius montanus*; SSC), ferruginous hawk (*Buteo regalis*; CDFW Watch List Species (WL)), prairie falcon (*Falco mexicanus*; WL), short-eared owl (*Asio flammeus*; SSC), and merlin (*Falco columbarius*; WL).

Common native and nonnative bird species, including western meadowlark, white-crowned sparrow, turkey vulture, common raven, California quail, mourning dove, greater roadrunner, mountain bluebird, and red-tailed hawk, may also nest, roost, or forage within or near areas affected by future projects.

CDFW recommends that the DEIR establish minimum biological assessment requirements for future projects that tier from the Renewable Energy Ordinance Update. These requirements should include:

1. An assessment of the regional biological setting, with particular emphasis on resources that are rare or unique to the region.
2. Floristic-based botanical surveys conducted in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. Surveys should cover the entire project area and adjoining properties where direct or indirect effects could occur and should be conducted at the appropriate times of year to detect and identify special status plants.
3. Floristic alliance- and/or association-based vegetation mapping using the *Manual of California Vegetation* or the most current accepted vegetation classification methodology.
4. A current literature and database review, including a minimum nine-quadrangle search of the California Natural Diversity Database (CNDDDB), to identify sensitive species and habitats that may be present.
5. Focused species-specific surveys conducted at the appropriate time of year and time of day when suitable habitat for sensitive species is present.
6. Field verification of the presence or absence of sensitive species. A lack of CNDDDB records should not be used as evidence that rare, threatened, or endangered species are absent.

Because the Renewable Energy Ordinance Update would govern future development over an extended period, the DEIR should also require updated biological surveys when earlier assessments are no longer current. CDFW generally considers wildlife assessments valid for one year, while rare plant assessments may remain valid for up to three years, depending on site conditions and Project timing.

2. Direct and Indirect Impacts

CDFW recommends that the DEIR evaluate the following potential direct and indirect impacts associated with future projects that tier from the Renewable Energy Ordinance Update and include enforceable avoidance, minimization, and mitigation measures, as appropriate:

- Lighting, noise, temporary and permanent human activity, invasive species, fuel modification, herbicide application, and altered hydrology;
- Impacts on nearby public lands, open space, natural habitats, riparian ecosystems, and existing or proposed conservation lands;
- Short- and long-term effects on species distribution, population concentrations, and the ecosystems supporting affected species;
- Impacts on wildlife corridors and movement areas, including access to undisturbed habitat adjacent to renewable energy facilities;
- Removal of native and nonnative vegetation and trees that provide nesting substrates, thermal cover, roosting habitat, and foraging perches for birds, bats, and raptors;
- Avian injury and mortality associated with the potential "lake effect" of utility-scale solar facilities;
- Avian and bat injury and mortality associated with wind turbines;
- Changes to drainage patterns, surface flows, erosion, and sedimentation in streams and other water bodies;

- Water extraction associated with renewable energy production and resulting impacts on groundwater-dependent habitats; and
- Human-wildlife conflicts resulting from land use and zoning changes near natural areas.

The DEIR should evaluate whether facility siting standards, design requirements, landscape buffers, wildlife-friendly fencing, lighting standards, seasonal work restrictions, panel technologies intended to reduce polarized light effects, and bird and bat detection or curtailment technologies could avoid or minimize these impacts.

3. Cumulative Impacts

CDFW recommends that the DEIR analyze the cumulative biological impacts of future projects that may be facilitated by the Renewable Energy Ordinance Update. Although individual facilities may have relatively limited impacts, multiple renewable energy facilities could collectively result in substantial habitat loss, fragmentation, disruption of wildlife movement, increased collision risk, or reductions in the number or range of endangered, rare, or threatened species.

The cumulative analysis should consider prior, concurrent, and reasonably foreseeable renewable energy, infrastructure, residential, commercial, and industrial development within the affected areas. The DEIR should also evaluate whether program-level siting restrictions or regional conservation requirements are necessary to prevent the incremental loss and fragmentation of sensitive habitats.

4. Avoidance, Minimization, and Mitigation

The DEIR should include specific and enforceable performance standards for future projects that tier from the Renewable Energy Ordinance Update. Mitigation measures should identify the responsible party, timing, required actions, performance criteria, and monitoring and reporting requirements.

Mitigation should emphasize the avoidance and minimization of impacts on sensitive species and habitats. Where impacts cannot be avoided, the DEIR should establish a framework for compensatory mitigation that accounts for the affected habitat's functions and values. Appropriate mitigation may include on-site restoration or enhancement, off-site habitat creation, or the acquisition and permanent protection of suitable habitat.

Where mitigation lands are required, they should be protected in perpetuity through an appropriate conservation mechanism, supported by adequate financial assurances, and managed and monitored by a qualified entity.

5. Nesting Birds

To avoid impacts on nesting birds, CDFW recommends that vegetation clearing and other potentially disruptive activities associated with future projects occur outside the peak avian breeding season, which generally extends from February 1 through September 1 and may begin as early as January 1 for some raptors.

If construction or vegetation removal must occur during the breeding season, a qualified biologist should conduct nesting bird surveys within three days before work begins. If an active nest is identified, an appropriate avoidance buffer should be established and maintained until the young have fledged and the nest is no longer active. Buffer distances should be based on the species involved, the nature of the proposed activities, existing ambient conditions, and the professional judgment of the qualified biologist.

6. California Endangered Species Act

CDFW considers adverse impacts on species protected under CESA to be significant. Take of any CESA-listed or candidate species resulting from a future project is prohibited unless authorized under state law.

If a future project may result in take of a species designated as endangered, threatened, or a candidate for listing under CESA, the project proponent should consult with CDFW and obtain appropriate take authorization before beginning the activity. Authorization may include an Incidental Take Permit or, where applicable, a consistency determination.

To support future CDFW permitting decisions, the DEIR should adequately analyze impacts on CESA-listed and candidate species and establish a mitigation, monitoring, and reporting framework capable of meeting applicable CESA requirements. Early consultation with CDFW is encouraged because modifications to project design and mitigation measures may be necessary to obtain authorization.

7. Lake and Streambed Alteration

CDFW has regulatory authority over activities that substantially divert or obstruct the natural flow of, substantially change the bed, channel, or bank of, or use material from any river, stream, or lake. The bed, channel, or bank may include associated riparian resources.

Future renewable energy facilities and related infrastructure may require notification to CDFW pursuant to Fish and Game Code section 1600 et seq. The DEIR should identify this potential regulatory requirement and require future project proponents to evaluate whether their activities are subject to notification. Additional information regarding the notification process is available on CDFW's [Lake and Streambed Alteration Program website](#).

8. Environmental Data

The DEIR should require special status species and sensitive natural communities detected during future biological surveys to be reported to the CNDDDB. Information regarding data submission is available on the [CNDDDB Submitting Data webpage](#).

CDFW appreciates the opportunity to comment on the NOP and to assist the County in identifying and mitigating potential impacts on biological resources. We recommend that the DEIR incorporate the program-level assessment requirements, performance standards, and enforceable mitigation framework described above.

CDFW requests the opportunity to coordinate with the County regarding these comments and to review the DEIR when it becomes available. Please also notify CDFW of any forthcoming public hearings or meetings regarding the Project.

Sincerely,

Mary Ngo

(she/they)

Senior Environmental Scientist (Specialist)

[Climate Change](#) ▪ [Renewable Energy](#) ▪ [Tribal Consultation](#)

California Department of Fish and Wildlife #cdfw

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