



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

September 10, 2026

Arianna Brown, Planner
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, California 93721
(559) 600-4245
abrown@fresnocountyca.gov

**Subject: Orleans Solar-Storage Project, Unclassified Conditional Use Permit
Application No. 3833; EIR No. 8798 (Project)
Notice of Preparation of a Draft Environmental Impact Report
State Clearinghouse No. 2026080074**

Dear Arianna Brown:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a Draft Environmental Impact Report (NOP) from Fresno County (County) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

The Project proposes to construct, operate, and decommission a 25-megawatt (MW) photovoltaic (PV) solar facility, 25-MW 4-hour battery energy storage system (BESS) that would store approximately 100 MW of renewable energy, and associated infrastructure (i.e., substation, power conversion stations, operations and maintenance facilities, etc.). The Project would also include the construction of a new 70-kilovolt generation tie (gen-tie) line, which would travel approximately 1 mile south and connect to the existing Pacific Gas & Electric Giffen substation.

The Project site is within an unincorporated area of western Fresno County on a 160-acre parcel (Assessor's Parcel Number 038-080-09) located approximately 4 miles north of the

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

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community of Cantua Creek. The site is situated to the west of S. Stanislaus Avenue approximately 1 mile north of the intersection of S. Stanislaus Avenue and Mountain View Avenue. The new gen-tie line would extend from the Project site approximately 1 mile south along S. Stanislaus Avenue. According to aerial imagery and the information in the NOP, the proposed Project site consists of flat, agricultural land and is surrounded by agriculture and some existing solar development (CDFW 2026).

CDFW had previously issued a comment letter (CON Comment Letter) on July 17, 2026, in response to an early consultation request for this Project. Please refer to the previous CON Comment Letter with the original Recommended Mitigation Monitoring and Reporting Program (Attachment 1) and the additional comments and recommendations below addressing the NOP. These documents provide additional guidance and measures to implement to adequately identify and/or mitigate the Project's potential impacts on biological resources. An updated Recommended Mitigation Monitoring and Reporting Program (Attachment 2) has been attached to these updates reflect current regulatory requirements and species protections under CESA.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Draft Environmental Impact Report (EIR) prepared for this Project.

The NOP states that the Draft EIR will be addressing potential impacts to "Biological resources, including special-status plant and wildlife species, nesting birds, burrowing owl, Swainson's hawk, San Joaquin kit fox, wildlife movement, wetlands, and consistency with applicable habitat conservation plans..." CDFW would like to update the CON Comment Letter's recommendation to analyze potential impacts to the State candidate and federally proposed threatened western spadefoot (*Spea hammondi*), State candidate Crotch's bumblebee (*Bombus crotchii*), and State species of special concern American badger (*Taxidea taxus*). Western spadefoot was previously a State special-status species but has now been proposed for listing per the California Endangered Species Act (CESA) (Fish & G. Code, §§ 2074.2 & 2085). The updated status is reflected below with additional recommended mitigation measures.

Western Spadefoot

Since the CON Comment Letter was issued, the California Fish and Game Commission (FGC) approved western spadefoot (WESP) as a candidate for potential listing as a protected species under CESA on August 13, 2026. FGC is currently working to publish these findings in the California Regulatory Notice Register (Notice Register). Once these findings are published in the Notice Register, WESP will be designated as a candidate under CESA and as such will receive the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). If WESP is found during biological surveys and avoidance is not feasible, take authorization through the acquisition

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of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, subdivision (b), would be necessary to comply with CESA.

The Project site is within the known geographic range of WESP, and several occurrences have been documented in the vicinity of the site (CDFW 2026). While WESP occurs primarily in grasslands, seasonal wetlands, and vernal features, WESP is also known to utilize agricultural ponds, ditches, canals, flooded areas of orchards, flooded areas on construction sites, inlet and outlet of culverts with standing water, and sumps for breeding. Based on aerial imagery and information in the CON, the Project site and vicinity contain agriculture ditches and retention basins. The Project site may also include other agriculturally inundated areas that could support WESP breeding or dispersal.

CDFW recommends that a habitat assessment and focused surveys be conducted as part of the biological technical studies conducted in support of the Draft EIR prepared for the Project. It is recommended that surveys be conducted in coordination with CDFW to assist with determining appropriate survey methodologies to determine the presence or potential presence of WESP. CDFW also recommends the Draft EIR include the following measures:

Recommended Mitigation Measure 8: Preconstruction Survey for WESP

Prior to the start of work, CDFW recommends that a qualified biologist conduct focused surveys for WESP, using appropriate survey methodologies, prior to any ground-disturbing activities that may occur as part of the Project.

Recommended Mitigation Measure 9: WESP Avoidance Buffer

If burrows, cracks, loose soil, soft soil areas immediately adjacent to water features, or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 1,000 foot no-disturbance buffer around the outermost edge of these habitats. If the species is observed on the Project site, Project activities in the immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

Recommended Mitigation Measure 10: WESP Take Authorization

Please note that implementation of the WESP measures in the Initial Study would help minimize impacts to WESP as required by CEQA but would not fully avoid impacts and thus additional measures would be needed to avoid take of WESP. CDFW recommends early consultation to help identify if avoidance is feasible or if not, to initiate discussions regarding the need for ITP, pursuant to Fish and Game Code section 2081 subdivision (b), to comply with CESA.

Crotch's bumblebee

The Project site is within the known geographic range of Crotch bumblebee (CBB). CBB was once common throughout most of central and southern California. CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting,

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such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2015). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area 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. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). If surveys indicate the presence or potential presence of CBB, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation.

American Badger

The Project site is within the geographic range of American Badger (AMBA). AMBA occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.). They can also burrow in dry farmed agricultural lands or lands that have been fallowed. As AMBA have the potential to den and/or forage within the Project area, CDFW recommends that a qualified biologist assess the presence/absence of AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the Draft EIR. If surveys indicate the presence or potential presence of AMBA, consultation with the CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

Editorial Comments and/or Suggestions

California Natural Diversity Database (CNDDDB): Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB, but where there are suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

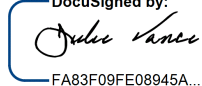
FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Alya Wakeman-Hill, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (559) 317-7335, or by electronic mail at Alya.Wakeman-Hill@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT 1 – CON Comment Letter with the original Mitigation Monitoring and Reporting Program

ATTACHMENT 2 – Updated Recommended Mitigation Monitoring and Reporting Program

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

Alya Wakeman-Hill
California Department of Fish and Wildlife

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REFERENCES

- California Department of Fish and Wildlife. 2023. Survey considerations for California endangered species act candidate bumble bee species. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 27 August, 2026.
- Hatfield, R., S. Jepsen, R. Thorp, L. Richardson, and S. Colla. 2015. *Bombus crotchii*. The IUCN Red List of Threatened Species. The Xerces Society for Invertebrate Conservation, Portland, OR, USA.
- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act.

Attachment 1



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**Subject: Orleans Solar-Storage Project (Project)
Consultation Notice for Unclassified Conditional Use Permit Application
No. 3833 and Environmental Impact Report No. 8798 (CON)**

Dear Arianna Brown:

The California Department of Fish and Wildlife (CDFW) received a CON from Fresno County (County) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, 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

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

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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Orleans Energy Center, LLC

Objective: The Project proposes to construct, operate, and decommission a 25-megawatt (MW) photovoltaic (PV) solar facility, 25-MW 4-hour battery energy storage system (BESS) that would store approximately 100 MW of renewable energy, and associated infrastructure (i.e., substation, power conversion stations, operations and maintenance facilities, etc.). The Project would also include the construction of a new 70-kilovolt generation tie (gen-tie) line, which would travel approximately 1 mile south and connect to the existing Pacific Gas & Electric Giffen substation.

Location: The Project site is within an unincorporated area of western Fresno County on a 160-acre parcel (Assessor’s Parcel Number 038-080-09) located approximately 4 miles north of the community of Cantua Creek. The site is situated to the west of S. Stanislaus Avenue approximately 1 mile north of the intersection of S. Stanislaus Avenue and Mountain View Avenue. The new gen-tie line would extend from the Project site approximately 1 mile south along S. Stanislaus Avenue.

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COMMENTS AND RECOMMENDATIONS

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

According to aerial imagery and the information in the CON, the proposed Project site consists of flat, agricultural land and is surrounded by agriculture and some existing solar development. Based on a review of the Project description, California Natural Diversity Database (CNDDB) records, and aerial imagery of the Project site and surrounding habitat, the Project is within the geographic range of, and could potentially impact, special-status animal species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsonii*), the State candidate western burrowing owl (*Athene cunicularia hypugaea*), and the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*).

To support the adequate assessment of potential impacts to biological resources, CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project site and surrounding area, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site. Survey areas should also include the route of the new gen-tie line.

CDFW recommends this initial work be documented within the CEQA document and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used in the CEQA document to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game Code, and other applicable State and federal laws and regulations.

Swainson's Hawk

The Project is within the known geographic range of Swainson's hawk (SWHA), and numerous recent and historical SWHA occurrences have been documented in the vicinity of the Project site (CDFW 2026). SWHA are known to travel for miles to forage and exhibit high nest-site fidelity year after year. SWHA are known to breed within the Central Valley of California and prefer to nest near and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project site and surrounding areas appear to

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contain suitable SWHA foraging habitat, and trees or poles suitable for nesting and perching may be located nearby.

CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological studies conducted in support of the CEQA document prepared for the Project. Additionally, CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 1: SWHA Preconstruction Surveys

Depending on the time between the initial survey efforts conducted in support of the CEQA document and Project construction, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) the survey season immediately prior to initiation of Project activities.

Recommended Mitigation Measure 2: 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 3: SWHA Take Authorization

In the event an active SWHA nest is 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. 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.

Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss

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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 1 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 $\frac{3}{4}$ acre 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 $\frac{1}{2}$ acre of HM land for each acre of development is advised.

Western Burrowing Owl

The Project site is within the known geographic range of western burrowing owl (BUOW), and there are multiple recent and historical occurrences located in the vicinity of the Project site (CDFW 2026). BUOW typically inhabit open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also use “man-made burrows” such as pipes or culverts and are known to utilize canals, ditches, and roadways within agricultural settings. Based on aerial imagery and information in the CON, the Project site and adjacent areas likely contain suitable habitat for BUOW nesting and foraging.

CDFW recommends assessing presence/absence of BUOW on the Project site, as well as a 500-meter buffer surrounding the Project site, by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFG 2012) as part of the biological studies conducted in support of the CEQA document. Additionally, CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 5: BUOW Preconstruction Surveys

Depending on the time between the initial survey efforts conducted in support of the CEQA document and Project construction, CDFW recommends assessing presence/absence of BUOW on the Project site, as well as a 500-meter buffer surrounding the Project site where feasible, by having a qualified biologist conduct surveys following the 2012 Staff Report (CDFG 2012) the survey season immediately prior to Project initiation.

Recommended Mitigation Measure 6: BUOW Avoidance Buffer

Should a BUOW individual or known BUOW burrow (active or inactive) be detected, either during preconstruction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report, be

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implemented prior to and during any ground-disturbing activities. CDFW recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 7: BUOW Take Authorization

If a BUOW individual or known BUOW burrow (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

Western Spadefoot

The Project site is within the known geographic range of western spadefoot (WESP), and several occurrences have been documented in the vicinity of the site (CDFW 2026). While WESP occurs primarily in grasslands, seasonal wetlands, and vernal features, WESP is also known to utilize agricultural ponds, ditches, canals, flooded areas of orchards, flooded areas on construction sites, inlet and outlet of culverts with standing water, and sumps for breeding. Based on aerial imagery and information in the CON, the Project site and vicinity contain agriculture ditches and retention basins, and may also include other agriculturally inundated areas that could support WESP breeding or dispersal.

CDFW recommends that a qualified biologist conduct a habitat assessment for WESP within the Project site and vicinity to determine if suitable breeding and refugia habitat is present. All the potential areas stated above, including but not limited to seasonal wetlands, vernal features, agricultural ponds, ditches, canals, and sumps should be identified as part of this assessment. If suitable habitat is detected, CDFW recommends that a qualified biologist conduct focused surveys for WESP, using appropriate survey methodologies and during the appropriate time of year, within these areas. If it is determined that WESP is present or has the potential to be present within the Project site, consultation with CDFW is recommended for guidance on avoidance, minimization, and mitigation measures.

On September 24, 2025, the California Fish and Game Commission (FGC) received a petition to list the northern population of WESP as a threatened species and the southern population of WESP as an endangered species under CESA. At the FGC meeting on April 18, 2026, CDFW presented its determination that the petition provided sufficient scientific information that the petitioned action to list WESP under CESA may be warranted; however, the FGC has deferred its decision on WESP candidacy until the August 2026 meeting. If WESP becomes a candidate for listing or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the

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acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), will be necessary to comply with CESA if full avoidance of WESP cannot be achieved.

Editorial Comments and/or Suggestions

Nesting Birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground- or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and 500 feet around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

CNDDDB: Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB, but where there are suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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ENVIRONMENTAL DATA

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FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the CON to assist the County in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 1), which corresponds with the recommended mitigation measures in this comment letter. If you have any questions, please contact Amanda Canepa, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 746-0721, or by electronic mail at Amanda.Canepa@wildlife.ca.gov.

Sincerely,

DocuSigned by:

E9964E60293D40A...

For Julie A. Vance
Regional Manager

Attachment (MMRP)

ec: Amanda Canepa
California Department of Fish and Wildlife

Arianna Brown, Planner
Fresno County Department of Public Works and Planning
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REFERENCES

California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.

California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 8 July, 2026.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

Attachment 1

Attachment 1

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

**PROJECT: Orleans Solar-Storage Project by Orleans Energy Center,
LLC**

SCH No.: N/A

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
SWHA	
Recommended Mitigation Measure 1: SWHA Preconstruction Surveys	
Recommended Mitigation Measure 3: SWHA Take Authorization	
Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation	
BUOW	
Recommended Mitigation Measure 5: BUOW Preconstruction Surveys	
Recommended Mitigation Measure 7: BUOW Take Authorization	
<i>During Construction</i>	
SWHA	
Recommended Mitigation Measure 2: SWHA Avoidance Buffer	
BUOW	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	

Attachment 2

Attachment 2

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

**PROJECT: Orleans Solar-Storage Project by Orleans Energy Center,
LLC**

SCH No.: 2026080074

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
SWHA	
Recommended Mitigation Measure 1: SWHA Preconstruction Surveys	
Recommended Mitigation Measure 3: SWHA Take Authorization	
Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation	
BUOW	
Recommended Mitigation Measure 5: BUOW Preconstruction Surveys	
Recommended Mitigation Measure 7: BUOW Take Authorization	
Recommended Mitigation Measure 8: Preconstruction Survey for WESP	
Recommended Mitigation Measure 10: WESP Take Authorization	
<i>During Construction</i>	
SWHA	
Recommended Mitigation Measure 2: SWHA Avoidance Buffer	
BUOW	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	
Recommended Mitigation Measure 9: WESP Avoidance Buffer	