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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 27, 2026

Jocelyn Swain
City of Lancaster
44933 Fern Avenue
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Subject: Notice of Preparation of a Draft Environmental Impact Report for Conditional Use Permit No. 26-009: Pronghorn Solar and BESS Project, SCH No. 2026091006, Los Angeles County, CA

Dear Jocelyn Swain:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from City of Lancaster (City) for the Conditional Use Permit No. 26-009: Pronghorn Solar and BESS Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

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

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 (Fish & G. Code, § 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

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

CDFW may also act as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Pronghorn Solar Plus, LLC.

Objective: The objective of the Project is to construct an approximately 321-acre utility-scale photovoltaic (PV) solar energy generation and battery energy storage system (BESS). The Project would generate up to 50 megawatts of solar power and storage.

Location: The Project is located near the intersection of 90th Street E near the intersections of Avenue J and Avenue J-8, approximately 10 miles east of State Route 14, in unincorporated Los Angeles County in the Antelope Valley. The Project sites are designated by Assessor's Parcel Numbers (APN) 3376 026-002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, -027, -028, -029, -030, -031, 032, 033, and -035.

Solar/BESS Site

Approximately 319.1 acres of the Project site would be located in the City and bound by Avenue K, Avenue J-8, 90th Street East and 100th Street East. The Solar/BESS site currently contains agricultural fields, irrigation wells, and associated water infrastructure.

Substation Site

The substation would be located within a 0.74-acre parcel just north of the Avenue J and 90th Street E intersection in unincorporated Los Angeles County. Energy from the

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inverters at the PV facility site would be transferred to the substation via underground 34.5 kilovolt collection lines (approximately 1.1 miles in length).

Collection Lines

Medium voltage collection lines from the solar facility to the substation would be located underground within a 15-foot-wide corridor and primarily within the existing 90th Street E Road right-of-way.

Biological Setting: The southern portion of the PV solar facility consists of two large, recently plowed, agricultural fields with barren ground devoid of vegetation. These fields are periodically used to plant crops and are irrigated. The northern portion of the Project, where the proposed BESS and substation would be located, consists of partially disturbed open land, with Creosote bush (*Larrea tridentata*) to the west and an abandoned water pump station to the east. The collection line that would connect the PV solar facility to the substation would be along 90th Street East, a paved two-lane road.

The Project sites have the potential to support a variety of sensitive wildlife species, including, Southern California legless lizard (*Anniella stebbinsi*; California Species of Special Concern (SSC)), golden eagle (*Aquila chrysaetos*; Fully Protected (FP); Watch List (WL)), 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*; 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), California horned lark (*Eremophila alpestris actia*; WL), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL), and merlin (*Falco columbarius*; WL).

Additionally, the Project sites have the potential to support several common native and nonnative bird species, such as western meadowlark (*Sturnella neglecta*), white-crowned sparrow (*Zonotrichia leucophrys*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), California quail (*Callipepla californica*), mourning dove (*Zenaida macroura*), greater roadrunner (*Geococcyx californianus*), mountain bluebird (*Sialia currucoides*), and red-tailed hawk (*Buteo jamaicensis*).

Two special-status mammal species—the American badger (*Taxidea taxus*; SSC), and the desert kit fox (*Vulpes macrotis arsipus*), protected by Title 14, section 460 of the California Code of Regulations (furbearing mammals)—have the potential to occur on the Project sites.

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Two special status plant and tree species have a high potential to occur in the Project area that are state-listed and have a California Rare Plant Rank (CRPR). These species include western Joshua trees (*Yucca brevifolia*; CESA candidate) and Mojave monardella (*Monardella exilis*; CRPR 4). Western Joshua trees are also legislatively protected under the Western Joshua Tree Conservation Act (WJTCA).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Impacts to Swainson's Hawk

Issue: The Project may adversely impact Swainson's hawk nesting and foraging habitat.

Specific impacts: Swainson's hawks are regularly observed nesting and foraging throughout the Lancaster area. The Project may result in the loss of nesting and foraging habitat for this CESA-listed raptor species.

Why impacts would occur: The Project area contains potential foraging habitat and suitable nesting trees that will be directly impacted. The landscape trees along the perimeter of the parcels, such as the tamarisk and Joshua tree, provide potential nesting sites for Swainson's hawk and other raptor species. According to California Natural Diversity Database (CNDDB), Swainson's hawks have been documented nesting adjacent to the study site (CDFW 2025c).

Evidence impacts would be significant: Consistent with CEQA Guidelines, section 15380, the status of Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, the population had declined to an estimated 375 pairs (CDFW 2016). The decline was primarily due to habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016).

CDFW considers a Swainson's hawk nest active if it has been used at least once within the past five years. CDFW also considers impacts to suitable nesting or foraging

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habitat, or to individual birds, within a five-mile radius of an active nest to be potentially significant under CEQA. Based on this information, the proposed Project could result in significant impacts to Swainson's hawk by:

- Reducing the number or restricting the range of the species;
- Contributing to the abandonment of active nests;
- Resulting in the loss of critical foraging habitat within an established territory; and/or,
- Resulting in "take" as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Mitigation Measure #1: Protocol Level Surveys. CDFW released guidance for Swainson's hawk entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). The Project proponent shall conduct focused surveys for Swainson's hawk in accordance with the 2010 guidance and disclose the results in the Project's EIR. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing any Project ground-disturbing activities.

Mitigation Measure #2: Incidental Take Permit**.** If Swainson's Hawk is detected, the Project proponent shall coordinate with CDFW to determine whether Project activities can avoid take. If take cannot be avoided, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

Recommendation #1: CEQA Analysis**.** CDFW's issuance of an Incidental Take Permit for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the EIR from the Lead Agency/Project proponent for the Project. However, additional documentation may be required as part of an Incidental Take Permit application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate take of CESA-listed species. To minimize

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additional requirements by CDFW, pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's EIR should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the Incidental Take Permit.

COMMENT #2: Impacts to Crotch's Bumble Bee

Issue: The Project may adversely impact Crotch's bumble bee.

Specific impacts: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities may cause mortality or injury to adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: The Project may result in the loss of nesting and foraging habitat for this Crotch's bumble bee. According to CNDDB, there have been recent observations of Crotch's bumble bee within the Antelope Valley (CDFW 2026a). In addition to regional observations, the Project area lies within the home range of Crotch's bumble bee (CDFW 2026b). Crotch's bumble bee may utilize areas that have suitable nesting habitat and floral resources. Crotch's bumble bee primarily nests from late February through late October, underground in abandoned small mammal burrows. With small mammal burrows present on the Project site, suitable habitat for Crotch's bumble bee is present. Crotch's bumble bee may also nest under perennial bunch grasses, thatched annual grasses, brush piles, as well as in old bird nests, dead trees, or hollow logs (Williams et al. 2014). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or areas under leaf litter or other debris (Williams et al. 2014). Project activities may include vegetation and tree removal, grading and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests.

Evidence impacts would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted," and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a state ranking of S1/S2.

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This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Recommendation #2: Habitat Assessment. The EIR should include a habitat suitability analysis for Crotch's bumble bee within and adjacent to the Project sites. The analysis should also disclose the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the EIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the EIR.

Mitigation Measure #3: Protocol Level Surveys. The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the Project sites during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #4: Incidental Take Permit. If Crotch's bumble bee is detected the Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the EIR from the City for the Project's impacts to Crotch's bumble bee.

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COMMENT #3: Impacts to Western Burrowing Owl

Issue: The Project may adversely impact burrowing owl.

Specific impacts: The Project may result in the loss of foraging and nesting habitat for burrowing owl. Project activities may result in loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, constituting a significant impact on this imperiled species.

Why impacts would occur: According to CNDDB, burrowing owls have been documented nesting within a 2.5-mile radius of the study sites (CDFW 2026a and 2026c). Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings.

Evidence impacts would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Mitigation Measure #5: Incidental Take Permit. If burrowing owl is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

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Recommendation #3: Protocol Level Surveys. CDFW released guidance for burrowing owls titled *2012 Staff Report on Burrowing Owl Mitigation*[1]. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the CDFW 2012 guidance, with the results disclosed in the Project's EIR and additional mitigation measures provided for the Project.

COMMENT #4: Impacts on the western Joshua tree

Issue: The Project may adversely impact western Joshua tree.

Specific impacts: Project impacts include grading and vegetation clearing activities, which may result in direct mortality, population declines, or local extirpation of the western Joshua tree.

Why impacts would occur: Western Joshua tree is located within the Project area. Project activities may impact these trees and their seedbank through vegetation removal, grading, topsoil removal, and habitat modification. Changes to soil moisture availability and drainage patterns may also affect seed germination and seedling establishment. Disturbance to vegetation and soil could reduce the local western Joshua tree population and its potential for regeneration.

Evidence impacts would be significant: Western Joshua tree is a candidate for listing as threatened under CESA and is protected against unauthorized take (Fish & G. Code, § 2050 et seq.). Project activities that remove or damage western Joshua trees or disturb their seedbank may result in take and adversely affect the local population and its regeneration. These effects may constitute a significant impact under CEQA. CEQA Guidelines section 15065, subdivision (a)(1), requires a mandatory finding of significance where a project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species. Western Joshua tree is also protected under the WJTCA, which prohibits unauthorized importation, export, take, possession, purchase, or sale of western Joshua trees or their parts or products (Fish & G. Code, § 1927.2).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

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[1] California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843

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Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures be incorporated into the CEQA document:

Mitigation Measure #6: Incidental Take Permit. The California State Legislature has enacted the Western Joshua Tree Conservation Act (WJTCA), which aims to provide protection of western Joshua tree (WJT) and provides another permitting mechanism for incidental take of WJT. As WJT could be impacted by Project activities, the Project proponent shall discuss with CDFW how to implement the Project and avoid take, or to obtain appropriate take authorization under CESA or WJTCA.

Recommendation #4: Joshua Tree Surveys. CDFW recommends that a qualified botanist conduct focused WJT surveys to identify the locations, number, and health of individuals as part of the biological technical studies conducted in support of the environmental document.

Recommendation #5: Full Avoidance. In the absence of an ITP, CDFW recommends avoiding each individual WJT by 290 feet, to avoid any impacts to individual WJT and the seed bank as rodents may transport seeds as far as 290 ft to secondary seed caches (Vander Wall 2006). 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. Alternatively, the Project also has the option to obtain take authorization through issuance of a WJTCA ITP, pursuant to Fish and Game Code, section 1927.3.

COMMENT #5: Impacts to American badger

Issue: The Project may adversely impact American badger, an SSC.

Specific impacts: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat for American badger. Project ground-disturbing activities may cause burrow collapse.

Why impacts would occur: Project documentation does not propose mitigation measures to minimize potential significant impacts to American badger. American badger will use agricultural areas as many areas of traditional habitat have been converted to farmland (Victoria 2024). The Project is comprised of, and adjacent to agricultural land that may be suitable habitat for the species. American badger home ranges are large and can range from 2 to 50 km^2 (Brehme et al. 2015). American badger can excavate suitable burrows in just one day (Brehme et al. 2015).

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Evidence impact would be significant: The American badger is designated a California SSC. SSC meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species can result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Mitigation Measure #7: American Badger Surveys. No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface disturbance, the Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of American badger individuals, dens, and sign.

The Project proponent shall provide the results of the survey to CDFW prior to start of Project activities. If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Project proponent shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results.

Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Project proponent shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care. No disturbance or relocation of active dens may occur when juveniles may be present and dependent on parental care.

COMMENT #6: Impacts to Southern California Legless Lizard

Issue: The Project could impact sensitive reptile and amphibian species such as the Southern California legless lizard.

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Specific impacts: Project activities could result in direct injury or mortality (e.g., trampling, crushing) during vegetation and sediment removal. The Project may also result in loss of breeding and/or foraging habitat.

Why impact would occur: The Project area contains suitable habitat and high likelihood of occurrences for the Southern California legless lizard (Thomson et al. 2016). Southern California legless lizards occur in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine–oak woodland, desert scrub, open grassland, and riparian areas. Project activities have the potential to directly impact the habitat occupied by these species.

To ensure adequate detection and protection, focused surveys should be conducted prior to any work in the river and surrounding areas during the breeding season for maximum detection.

Evidence impact would be significant: Southern California legless lizard is a designated California SSC. CEQA provides protection not only for ESA or CESA listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. SSC meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species can result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Recommendation #6: Exclusionary Measures. CDFW recommends that the Project proponent identify and implement measures that prevent Southern California legless lizards from accessing the construction area. These measures should be developed in coordination with CDFW and implemented prior to ground-disturbing activities.

Mitigation Measure #8: Southern California Legless Lizard Surveys. A qualified biologist shall be retained to conduct focused surveys for Southern California legless lizard. Survey findings should be submitted to CDFW and USFWS prior to Project activities for review and approval. If Southern California legless lizard is observed, Project activities in their immediate vicinity should cease and individuals be allowed to leave the Project area on their own accord.

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Mitigation Measure #9: Injured or Dead Wildlife. If any Southern California legless lizard, is harmed or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and the dead or injured wildlife will be documented. A report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal, and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and potential additional mitigation measures have been identified to prevent additional injury or death. All incidents should be tracked and summarized in a post-construction compliance report submitted to CDFW.

Comment #7: Nesting and Wintering Avian Species

Issue: The Project may impact a wide range of nesting and wintering avian species, including several designated as an SSC.

Specific impacts: Several sensitive species have been regularly observed nesting and foraging throughout the Antelope Valley area. The Project may potentially result in the loss of foraging and nesting habitat for mountain plover, ferruginous hawk, Cooper's hawk, sharp-shinned hawk, Bell's sage sparrow, turkey vulture, California horned lark, southern California rufous-crowned sparrow, golden eagle, long-eared owl, red-shouldered hawk, northern harrier, prairie falcon, loggerhead shrike and other migratory species. These impacts could result in increased nestling mortality and reduced reproductive success, representing a significant impact on these imperiled species. The Project may also result in loss of breeding and/or foraging habitat.

Why impacts would occur: The Project area contains potential foraging habitat and suitable nesting trees that will be directly impacted. The landscape trees along the perimeter of the parcels, such as the tamarisk and Joshua tree, provide potential nesting sites. The Project area contains occurrences of nesting and wintering avian species, including observations recorded in CNDDB. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. Such impacts may exceed CEQA thresholds for significant by contributing to nest failure, reproductive disruption, and habitat degradation for multiple special-status species.

Evidence impacts would be significant: The California Fish and Game Code (Sections 3503, 3503.5, and 3513), prohibits take of all birds and their active nests, including raptors and other migratory nongame birds as listed under the Federal Migratory Bird

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Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any nesting bird.

CDFW also considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- Is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- Is listed under the federal Endangered Species Act, but not CESA;
- Meets the State definition of threatened or endangered but has not formally been listed;
- Is experiencing, or formerly experienced, serious (non-cyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify the species for State threatened or endangered status; and/or,
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s) that, if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2025c).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSCs, that can be shown to meet the criteria for State listing. These SSCs meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSCs could require a mandatory finding of significance (CEQA Guidelines, § 15065). Insufficient avoidance and mitigation measures could result in substantial direct and cumulative adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

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Recommended Potentially Feasible Mitigation Measure(s):

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Recommendation #7: Nesting Bird Surveys and Buffers. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project area, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

The California Fish and Game Code (Sections 3503, 3503.5, and 3513), prohibits take of all birds and their active nests, including raptors and other migratory nongame birds as listed under the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any nesting bird.

Comment #8: Vegetation and Revegetation

Issue: The Project will impact vegetation communities, including rubber rabbitbrush scrub, and there is potential to impact Mojave monardella, a special-status plant species.

Specific impacts: Project activities such as vegetation clearing and grading may eliminate or reduce habitat used by wildlife for nesting, foraging and cover, especially for species that rely on native vegetation structure and small mammal burrows observed throughout the Project sites. The removal and degradation of the vegetation and seedbank may cause long-term loss of ecological function across the Project sites.

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Why impacts would occur: Project activities that do not minimize disturbance to vegetation and soil could result in population declines, or local extirpation of sensitive plant species. The traditional method of solar construction is "blade and grade", which involves blading vegetation and grading, resulting in soil compaction. According to Karban et al. (2024), construction practices often include the removal of all native vegetation with "blade and grade", causing redistribution of seeds that are stored in a soil seed bank. Many rare or special-status plant species are annuals that avoid disturbance with a dormant seed phase, so their persistence depends on seeds stored in undisturbed soils (Karban et al. 2024).

Evidence impacts would be significant: Per CEQA Guidelines, section 15065(a), a project may have a significant effect on biological resources if the project substantially reduces the habitat of a fish or wildlife species; threatens to eliminate a plant community; or has the potential to restrict the range of endangered, rare, or threatened species.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Recommendation #8: Alternative Construction Techniques. CDFW recommends the Project proponent consider an alternative construction method instead of the traditional "blade and grade" method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact ("drive and crush"). Leaving vegetation crushed with the "drive and crush" technique, leaves roots intact and allows vegetation to more successfully regenerate. This alternative construction technique can create an opportunity for vegetation to be left between panel rows and elsewhere to provide some habitat for desert-dwelling avian species and ameliorate some habitat effects (Karban et al. 2024).

Recommendation #9: Additional Landscape Buffers. To offset the loss of trees and vegetation, CDFW recommends the City include landscape buffers of shrubs and trees for the Project along the entire fenced perimeter of each Project site including the one BESS facility, and the two solar facilities. The Project, as currently proposed, only considers buffers along the western boundaries of the solar facilities.

Recommendation #10: Proposed Planting Palette for the Project. CDFW recommends the City's proposed planting palette for the landscape buffer also include additional California species deemed fire-resistant by Los Angeles County fire, such as common yarrow (*Achillea millefolium*), bladderpod (*Isomeris arborea*), quail bush (*Atriplex*

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lentiformis breweri), ocotillo (*Fouquieria splendens*), catclaw acacia (*Senegalia greggii*), brittle bush (*Encelia farinosa*), coast sunflower (*Encelia californica*), Prince's plume (*Stanleya pinnata*), coffeeberry (*Frangula californica*), hollyleaf cherry (*Prunus ilicifolia*), Creosote bush (*Larrea tridentata*), and rubber rabbishbrush (*Ericameria nauseosa*).

Recommendation #11: Proposed Planting Palette for the Revegetation of Decommissioning. CDFW recommends the City's proposed planting palette for the revegetation of decommissioning include species endemic to the region, such as Joshua tree (*Yucca brevifolia*), Mojave monardella (*Monardella exilis*), California poppy (*Eschscholzia californica*), yellowray goldfields (*Lasthenia glabrata*), desert saltgrass (*Distichlis spicata*), deerweed (*Acmispon glaber*), desert milkweed (*Asclepias erosa*), Acton encelia (*Encelia actonii*), Prince's plume (*Stanleya pinnata*), Nevada ephedra (*Ephedra nevadensis*), winter fat (*Krascheninnikovia lanata*), and rubber rabbishbrush (*Ericameria nauseosa*).

Recommendation #12: Weed Management Plan. CDFW recommends the City develop a weed management plan for the Project area and implement it during construction and throughout the life of the Project. Soil disturbance, such as mowing or vegetation clearing around the PV solar panels, promotes the establishment of non-native weeds. Non-native weeds should be prevented from becoming established during and after construction to control the spread of invasive plants. The Project area should be monitored (via mapping) for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring the potential spread of invasive weeds onto adjacent lands should also be included.

Recommendation #13: Best Management Practices for Invasive Argentine Ants. CDFW recommends that any irrigation proposed by the City for landscape buffers, routine PV solar panel washing, or for the revegetation of decommissioning drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. Irrigation should only be used if an individual plant is stressed and it should be limited to the first year (in the installation phase). Temporary or permanent irrigation should not be installed, because only individual plants under stress should be targeted for watering. Hand watering is preferred. If a temporary irrigation system must be installed it should not be connected to a water source and should not be on a timer. The water source (water truck) should only be connected to the irrigation system while it is in use. A system left on a timer should never be used as this creates an unnatural hydrologic regime and more robust growth than would normally be supported by the existing sites.

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Comment #9: Impacts of Light-Emitting Diode (LED) Lights

Issue: The Project's installation of LED lights may impact a wide range of wildlife species.

Specific impacts: The installation of LED lights may impact wildlife movement and may result in reduced reproductive capacity, population declines, or local extirpation of rare, special-status, or threatened and endangered species.

Why impacts would occur: Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms (Barrientos et al. 2023). These impacts are most pronounced with white or blue-rich lighting, which contains shorter wavelengths (below 560 nm) that are especially disruptive to nocturnal species. Without appropriate design features, such lighting may extend into adjacent habitat areas, altering behavior, reproduction, and survival of wildlife species. To reduce lighting impacts on wildlife, fixtures should be fully shielded, downcast, and utilize long wavelength spectra (e.g., red or amber light) where feasible to avoid illumination of habitat areas outside of the Project area and minimize distribution to wildlife.

Evidence impacts would be significant: CDFW considers adverse impacts to wildlife and wildlife movement, for the purposes of CEQA, to be significant without mitigation or consideration of additional project design features. CDFW recommends that the EIR specify mitigation that is proportionate to the level of impacts, consistent with CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, and 15065).

Recommended Potentially Feasible Mitigation Measure(s):

CDFW requests that the following recommendations and mitigation measures be incorporated into the CEQA document:

Recommendation #14: Lighting Plan. To ensure that lighting-related impacts are adequately addressed under CEQA, CDFW recommends that the environmental document include a Lighting Plan, as a separate, enforceable mitigation measure. The Lighting Plan should evaluate lighting impacts on wildlife and other biological resources during both construction and operation. Methods to minimize adverse effects of artificial lighting may include using motion-activated fixtures outside, limiting fixtures to the lowest necessary lumen output, using full-shield fixtures (i.e., full cutoff so that no light is emitted above the 90-degree horizontal plane), directing light downward, and orienting lights toward the interior of the sites. These methods will

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minimize the light source from impacting wildlife species utilizing wildlife corridors between each fenced solar array area of the Project.

Where feasible, use of long-wavelength lighting (e.g., red or amber LEDs) is also encouraged, provided they are true monochromatic or narrow spectrum sources (i.e., minimal emissions below 560 nm). Long-wavelength red/amber light is less disruptive to many nocturnal species than white or blue-rich light. Together these measures will further reduce impacts on wildlife moving through corridors between fenced solar arrays by minimizing light trespass and glare.

Additional Comments

1. Wildlife Movement. CDFW recommends the City analyze the impacts of the Project on local wildlife movement, given that buildout of the Project area will reduce natural habitat and contribute to further habitat fragmentation. Impacts that should be analyzed include but are not limited to: habitat loss and fragmentation, narrowing of wildlife corridors, and introduction of barriers to wildlife movement. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment of significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, §15147). If avoidance of corridor encroachment is not feasible, the EIR should provide measures to mitigate the Project's significant impacts to wildlife movement. CDFW is available for scoping of possible mitigation pathways prior to the circulation of the EIR.

2. Rare Plants. In addition to the rubber rabbitbrush scrub and Mojave monardella, the Project area contains multiple different vegetation communities that provide suitable habitats for rare plants. Project activities, such as landscaping, vegetation removal, and the implementation of staging areas, may have impacts on plant species with a CRPR 1 and 2 and should be analyzed in the EIR as they meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). CDFW recommends the City provide full disclosure of the Project's impact on rare plants and their associated seedbank. CDFW also recommends the City incorporate measures in the EIR that avoid, minimize, and mitigate potential impacts on rare plants and supporting habitat. The City should also retain a qualified biologist with the appropriate handling permits to conduct a rare plant survey throughout the Project area to confirm presence/absence of rare plants. Surveys should adhere to CDFW's Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Findings of the rare plant survey should be disclosed in the EIR.

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General Comments

3. Disclosure. The EIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

4. Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the EIR.

    a. A complete discussion of the purpose and need for, and description of the proposed Project.

    b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special-status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

    c. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The EIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

    d. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would

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fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

5. Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The EIR should include the following information.

    a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage[3].

    b. A thorough, recent, floristic-based assessment of special-status plants and natural communities following CDFW's *Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Sensitive Natural Communities*[4]. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such

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as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special-status plants are present.

c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The Manual of California Vegetation[5], second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.

d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's California Natural Diversity Database[6] (CNDDB; CDFW 2026a). The CNDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.

6. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines[7] for established survey protocol. Acceptable species-specific survey

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procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service. Direct and Indirect Impacts on Biological Resources. The EIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The EIR should address the following.

A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).

A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).

Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the EIR.

A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.

An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR.

7. Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be

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impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the EIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

8. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

   The EIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

   If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the EIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the EIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

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9. Compensatory Mitigation. The EIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special-status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.

10. Long-term Management of Mitigation Lands. For proposed mitigation lands, the EIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.

11. Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are experimental, and the outcome is unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

12. Scientific Collecting Permit. A Scientific Collecting Permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting

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Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's Scientific Collecting Permit webpage[8].

13. Lake and Streambed Alteration. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that the City assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's Lake and Streambed Alteration Program website[9].

14. Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies[10]. Through its Wetlands Resources policy, the Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

    The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been

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exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the EIR and these measures should compensate for the loss of function and value.

The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

Mitigation and Monitoring Reporting Plan

CDFW recommends the City adopt the mitigation measures and recommendations in this letter into the EIR. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the Citty in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, and location), and (4) clear to ensure successful implementation through a mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.

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Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., CNDDB) which may be used to inform subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, sub. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDB. The CNDDB field survey form can be filled out and submitted online (CDFW 2026a). Please visit CDFW online to access the types of information reported to CNDDB. Information on special status native plant populations and sensitive natural communities and the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2026d).

Filing Fees

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

Conclusion

CDFW appreciates the opportunity to comment on the EIR and to support the City in identifying and mitigating Project impacts to biological resources. To ensure significant impacts are adequately mitigated to less-than-significant level, we recommend incorporating the feasible mitigation measures described above should be incorporated as enforceable conditions in the EIR for the Project. CDFW requests the opportunity to coordinate with the City on responses to these comments prior to adoption of the final environmental document. We also request notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

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Questions regarding this letter or further coordination should be directed to Mary Ngo[2], Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
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10/27/2026

Victoria Tang
Environmental Program Manager
South Coast Region

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REFERENCES

[CDFW] California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843

[CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline

[CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline

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Docusign Envelope ID: 68F36C64-34F4-8A19-82C5-158D4BDB3361

[CDFW] California Department of Fish and Wildlife. 2023. CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

[CDFW] California Department of Fish and Wildlife. 2026a. California Natural Diversity Database. Available at: https://wildlife.ca.gov/Data/CNDDB

[CDFW] California Department of Fish and Wildlife. 2026b. Crotch's Bumble Bee Range Dataset 3095. Available at CDFW's Biogeographic Information and Observation System, https://wildlife.ca.gov/Data/BIOS

[CDFW] California Department of Fish and Wildlife. 2026c. Western Burrowing Owl Range Dataset 907. Available at CDFW's Biogeographic Information and Observation System, https://wildlife.ca.gov/Data/BIOS

[CDFW] California Department of Fish and Wildlife. 2026d. Vegetation Classification and Mapping Program. Available at: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

Goulson, D. 2010. Introduction. In: Goulson, D., Ed., Bumblebees: Behaviour, Ecology, and Conservation, Oxford University Press, Oxford, 1-12.

Karban, C. C., Lovich, J. E., Grodsky, S. M., & Munson, S. M. 2024. Predicting the effects of solar energy development on plants and wildlife in the Desert Southwest, United States. Renewable and Sustainable Energy Reviews, 205, 114823.

Sawyer, J. O., Keeler-Wolf, T., & Evens, J. M. 2009. *A Manual of California Vegetation* (Second ed.). Sacramento, CA: California Native Plant Society. Retrieved from https://vegetation.cnps.org/

Williams, P.H., R.W. Thorp, L.L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: an Identification Guide. Princeton University Press. 208 p