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DEPARTMENT OF FISH AND WILDLIFE

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November 10, 2026

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Subject: Amanece Hybrid Solar (Project)
Project Review Consultation Notice (CON)
State Clearinghouse No. 2026100796

Dear Kristen Anaya:

The California Department of Fish and Wildlife (CDFW) received an Early Consultation (CON) request from Stanislaus 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 statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386,

[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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subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. 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.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is necessary for scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Early consultation with CDFW is recommended if an ITP for fully protected species may be pursued for this Project.

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).

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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: Amanece Hybrid Solar, LLC, a wholly owned subsidiary of Samsung C&T

Objective: The Project proponent requests to establish a 2,170-acre solar energy facility creating an aggregate peak power capacity of 400 megawatts (MW) on ten contiguous parcels totaling 2,998.49± acres in the General Agriculture (A-2-40) zoning district. The project will also consist of an electric collector system with inverters, a 24-acre battery energy storage system (BESS) with a capacity of 400 MW alternating current (AC) at four hours of continuous discharge, a 5± acre project substation, a 9± acre Pacific Gas and Electric (PG&E) switching station, a 300 square-foot temporary operations and maintenance (O&M) building, and access roads. An AC-Direct Current electrical collection system will collect and convey electricity from the proposed single-axis tracker solar panels to the proposed on-site substation. The energy generated by the project would be transported from the collector substation to PG&E's proposed, on-site, 9± acre switching station yard via underground and overhead 150-foot-tall feeder lines. From the switching station, the facility will interconnect to the existing PG&E Quinto-Fink 230 kilovolt transmission line that currently bisects the project site. Substation equipment is proposed to be up to 55 feet in height. Fourteen (14) foot-tall security lighting is proposed along the perimeter of the project, and within the BESS, substation, and O&M facilities. The facility is proposed to be decommissioned after 35 years, the estimated life expectancy of the project equipment.

Solar panels, up to 10 feet in height, are proposed across all project parcels; however, Assessor Parcel Number (APN) 026-024-006 is only proposed as a reserved site for panel development in the event that physical site constraints prevent development on other portions of the project site. The applicant proposes a 7-foot-tall chain link fence with barbed wire strands along the perimeter of the project site, and landscaped screening comprised of drought tolerant trees and shrubs along the eastern project boundary.

Location: The Project site consists entirely of 10 privately-owned undeveloped parcels totaling approximately 3,000 acres in unincorporated Stanislaus County. The land is under an option to lease between the property owners and the Project Applicant. The Project site consists of Assessor Parcel Numbers (APNs) 026-024-006, 026-024-008, 028-007-001, 028-007-002, 028-007-051, 027-007-052, 026-024-029, 028-007-033,

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028-007-038, and 028-007-054. The Project site is located along Pete Miller Road approximately 7 miles west of the City of Gustine. The proposed Project has direct access from Interstate 5 (I-5), located approximately ½ mile to the east of the Project site. The Project is situated within portions of quadrangles Orestimba Peak, Newman, and Crevison Peak in the Mt. Diablo meridian. The Project is bordered by agricultural land on all sides.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below 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. The County specifically requested comments to determine: a) whether the project is subject to CEQA and b) if specific conditions should be placed upon project approval. CDFW asserts that potential Project related impacts to biological resources warrant evaluation pursuant to CEQA. Editorial comments or other suggestions below recommend specific conditions that may be included in the County staff report and improve the CEQA document. For this Project, CDFW recommends preparing an Environmental Impact Report (EIR) as the CEQA document because the Project may result in significant impacts to the biological resources.

According to aerial imagery and the information in the CON, the proposed Project site consists of undeveloped grazing land and is surrounded by natural environments in the Mount Diablo Range foothills, a smaller established solar project, and the California Aqueduct. Orestimba Creek is a little over a mile to the north of the Project. 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 and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and California Tiger Salamander (*Ambystoma californiense*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State fully protected golden eagle (*Aquila chrysaetos*), which is also federally protected under the Bald and Golden Eagle Protection Act; the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); and the State species of special concern and Federally proposed threatened western spadefoot (*Spea hammondii*); and State species of special concern American badger (*Taxidea taxus*), loggerhead shrike (*Lanius ludovicianus*), and San Joaquin coachwhip (*Masticophis flagellum ruddocki*). Additionally, the Project area is within the geographic range of the federally listed California red-legged frog (*Rana draytonii*) and branchiopods and federally listed candidate western pond turtle (*Actinemys marmorata*) and monarch butterfly (*Danaus plexippus*).

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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.

San Joaquin Kit Fox

The Project has the potential to impact San Joaquin kit fox (SJKF) and is located 10 miles north of the San Luis Reservoir and Santa Nella area. There are multiple historic documented sightings of SJKF within a mile of the Project (CDFW 2026). The area surrounding the Los Banos Reservoir to the north of the San Luis Reservoir has been identified by CDFW and the USFWS as a migratory corridor critical to the continued existence and genetic diversity of the northern kit fox population with the Santa Nella area being identified as a critical SJKF migratory “pinch-point” within this area (H.T. Harvey and Associates 2004). The creation of the San Luis Reservoir and O’Neil Forebay resulted in a large migratory barrier to the north-south migration of SJKF, and busy highways in the area such as State Routes 152 and 33 and I-5, as well as the existing urban development further compounded this problem. As a result, any grassland, shrub land, or dry farmed habitat features in this area that could serve as movement or rest areas for SJKF have very high conservation values for this species. Any loss of these features within the corridor is potentially significant. Any take of SJKF without appropriate take authorization would be a violation of Fish and Game Code.

Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with Project activities include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals. The loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). The Project area consists of and is bordered by some of the only remaining undeveloped land in the vicinity. Therefore, subsequent ground-disturbing activities have the potential to

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significantly impact local SJKF populations. CDFW recommends the CEQA document quantify and describes the direct and indirect potential impacts to SJKF, including any impacts to the SJKF movement corridor and other conservation areas. The evaluation should include the cumulative impacts to SJKF from other existing, planned and potential development from south of the Los Banos Reservoir to north of the San Luis Reservoir that may impact existing upland habitat.

Thus, CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 1: SJKF Surveys
CDFW recommends presence/absence of SJKF be assessed by conducting surveys and implementing den avoidance buffers following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (USFWS 2011). Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to the beginning of ground-disturbing activities.

Recommended Mitigation Measure 2: SJKF Take Authorization
SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

California Tiger Salamander
The Project site is within the known geographic range of California tiger salamander (CTS) and a historical occurrence was documented approximately 1½ miles from the Project site (CDFW 2026). Based on aerial imagery, the Project site contains suitable dispersal habitat and may contain suitable breeding habitat within the stream and other seasonal wetland features located on the Project site. CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types and have been determined to be physiologically capable of dispersing up to approximately 1 ½ miles from seasonally flooded wetlands (Searcy and Shaffer 2011).

As such, CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 3: CTS Protocol-Level Surveys
CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW is recommended well in advance of beginning the surveys and prior to any planned

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vegetation- or ground-disturbing activities. CDFW advises that the protocol-level surveys include a 100-foot buffer around the Project site in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the survey has been completed and the results are reviewed by CDFW.

Recommended Mitigation Measure 4: CTS Avoidance Buffer
If CTS protocol-level surveys as described in Recommended Mitigation Measure 3 are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals. In the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an Incidental Take Permit (ITP) from CDFW.

Recommended Mitigation Measure 5: CTS Take Authorization
If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, 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.

Swainson's Hawk

The Project site is within the known geographic range of Swainson's hawk (SWHA), and several occurrences are documented within ½ mile to 1 1/2 miles of the Project site (CDFW 2026). SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, most of the Project site contains suitable habitat for SWHA foraging. In addition, there are trees located adjacent to the Project site that may provide suitable nesting habitat.

Thus, CDFW recommends including the following measures in the CEQA document:

Recommended Mitigation Measure 6: SWHA Pre-Construction Surveys
Depending on the time between the initial survey efforts conducted in support of the CEQA document and Project construction, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000), be repeated by a qualified biologist the survey season immediately prior to each Project phase.

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Recommended Mitigation Measure 7: SWHA No-Disturbance Buffer
If any active SWHA nest is detected during pre-construction surveys or Project activities, CDFW recommends delineating and maintaining a minimum ½-mile no-disturbance buffer around each nest prior to and during any development or ground-disturbing activities. To prevent nest abandonment and other take of SWHA as a result of Project activities, CDFW advises that these no-disturbance buffers remain in place until the breeding season (March 1 through September 15) 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.

Recommended Mitigation Measure 8: SWHA Take Authorization
If any active SWHA nest is detected during pre-construction surveys or Project activities, 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 9: SWHA Foraging Habitat Mitigation
To reduce impacts on SWHA foraging habitat to a less-than-significant level, CDFW recommends mitigating habitat loss according to the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG 1994). The 1994 Staff Report recommends that mitigation for habitat loss occurs within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the 1994 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 0.75 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 ½ acre of HM land for each acre of development is advised.

Tricolored Blackbird

The Project site is within the known geographic range of tricolored Blackbird (TRBL) and historical and recent occurrences have been documented within the southeast corner of the Project: two documented sightings under 1 mile to the east of the Project site, and ½ mile to the northeastern corner on the Project site (CDFW 2026). In the San Joaquin Valley, TRBL historically bred within the vicinity of fresh water, primarily in marshy areas and important sites for nesting colonies included heavy growths of

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cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar. Foraging typically occurred within flooded lands, grassy fields, and margins of ponds (Grinnell and Miller 1994). However, a large proportion of the San Joaquin Valley TRBL population now nests in agricultural grain fields (Weintraub et al., 2016). Based on aerial imagery, portions of the Project site could provide potential foraging and nesting habitat to TRBL.

CDFW recommends that a qualified biologist conduct a habitat assessment for TRBL as part of the biological technical studies conducted in support of the CEQA document. If potentially suitable habitat, including grain crops is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such as avoidance, minimization, and mitigation. 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.

CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 10: TRBL Surveys
CDFW recommends that construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 11: TRBL Avoidance Buffer
CDFW recommends that construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during the breeding season, then CDFW recommends a qualified biologist conduct focused surveys for nesting TRBL and then repeat those surveys no more than 10 days prior to the start of ground-disturbing activities. If an active TRBL nesting colony is found during the pre-construction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer around the colony in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW recommends that this buffer remains in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon the colony or parental care for survival.

It is important to note that TRBL colonies can expand over time. For this reason, CDFW also recommends conducting pre-construction surveys of an identified

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nesting colony within 10 days prior to the start of ground or vegetation disturbing activities to reassess the colony's real extent.

Recommended Mitigation Measure 12: TRBL Take Authorization
If a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

Golden Eagle

There is a historical occurrence of golden eagle (GOEA) documented under a mile from the northwestern corner of the Project site and a second occurrence documented 1 ½ miles north of the Project site (CDFW 2026). Thus, GOEA has the potential to nest and/or forage in the Project vicinity.

CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 13: GOEA Evaluation
CDFW recommends that a qualified biologist conduct a habitat assessment for focused GOEA evaluations within the Project site and a ½-mile buffer surrounding the Project site using the "Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations" (Pagel et al. 2010) or surveys conducted in accordance with protocols developed by the USFWS (USFWS 2010) for GOEA prior to Project implementation.

Recommended Mitigation Measure 14: GOEA Avoidance Buffer
If a GOEA nest is found prior to, or during construction, CDFW recommends implementing a minimum ½-mile no-disturbance buffer around the nest. CDFW advises that this buffer remains in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon parental care for survival. In the event that a GOEA nest is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

Crotch's Bumble Bee

The Project site is within the known geographic range of the State candidate Crotch's bumble bee (CBB) (CDFW 2026). CBB inhabits a variety of habitats, including grasslands, scrublands, openings in woodlands, and areas with bare ground such as vacant lots, dirt roads, and levees (Xerces Society et al. 2018). CBB uses requisite

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habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, which may be present in or near the Project site.

As such, CDFW recommends the CEQA document include the following measures:

> **Recommended Mitigation Measure 19: CBB Pre-construction Surveys**
> CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the Project site following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023), during the blooming period immediately prior to Project initiation.
>
> **Recommended Mitigation Measure 20: CBB Avoidance Buffer**
> If CBB is detected, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If CBB are detected during surveys and ground-disturbing activities will occur during the overwintering to nesting period (year-round, except possibly September), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.
>
> **Recommended Mitigation Measure 21: CBB Take Authorization**
> 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 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, and published these findings in the California Regulatory Notice Register (Notice Register) on September 25, 2026. As such, WESP is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The Project site is within the known geographic range of WESP and there are documented historical occurrences within approximately 100 feet south of the Project site (CDFW 2026). WESP occurs primarily in grasslands and seasonal wetlands with appropriate upland habitat. These habitat features are present within the vicinity of the Project with multiple documented water features by the Geographic Information System (GIS) dataset of wetlands, streams, and riparian areas. There are also wetlands under a mile away along both the northern and southern border of the Project site and based on

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CDFW's familiarity with the area, it is likely that WESP are present within the Project vicinity.

Thus, CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 22: WESP Surveys
CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support WESP. If suitable habitat is identified through the habitat assessment, CDFW recommends conducting focused daytime and nighttime surveys for WESP during and following rainfall events and pre-activity clearance surveys within proposed work areas. Two years of surveys demonstrating absence of breeding activity are recommended before work occurs in or adjacent to potential breeding features.

Recommended Mitigation Measure 23: 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, CDFW recommends implementation of a 1,000-foot no-disturbance buffer around the outermost edge of these habitats. If any life stage of WESP is observed on the Project site, Project activities within 1,000 feet should cease and a no-disturbance buffer should be delineated in compliance with this measure.

Recommended Mitigation Measure 24: WESP Take Authorization
As WESP likely occurs within the Project site, CDFW recommends the Project proponent consult with CDFW to determine if the Project can avoid take of WESP. If any life stage of WESP is observed on or in the vicinity of the Project site and take cannot be avoided, CDFW should be contacted immediately to initiate acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) or section 2084, if applicable, to comply with CESA. If an ITP was not acquired and WESP were then detected during construction, the Project could not proceed with activities that could result in take until after an ITP was issued and all pre-Project ITP requirements met.

American Badger

The Project site is within the known geographic range of American badger (AMBA) and suitable habitat is present (CDFW 2026) within the Project site and its vicinity. AMBA occupies 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.) (Zeiner et al,1990). Based on aerial imagery, and the historical presence of an AMBA a ½ mile from the west side of the Project and a mile to

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the east of the Project, the majority of the Project site contains suitable habitat for AMBA denning and foraging.

Thus, CDFW recommends the CEQA document include the following measures:

> **Recommended Mitigation Measure 25: AMBA Surveys**
> CDFW recommends that a qualified biologist conduct focused surveys for AMBA, as well as their requisite habitat features, to evaluate potential impacts resulting from ground disturbance.
>
> **Recommended Mitigation Measure 26: AMBA Avoidance**
> Avoidance whenever possible is encouraged via delineation and a 50-foot no disturbance buffer around burrows. CDFW also advises that any individuals observed be allowed to leave the Project site of their own volition.

Loggerhead Shrike and San Joaquin Coachwhip

The Project area is within the known geographic range of Loggerhead Shrike (LOSH) and San Joaquin coachwhip (SLC). Based on aerial imagery, suitable habitat for these species may be present within several of the development areas within the Project area.

As such, CDFW recommends the CEQA document include the following measures:

> **Recommended Mitigation Measure 27: Special-Status Habitat Assessment**
> CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the project site and the immediate surrounding vicinity contain habitat suitable to support LOSH and SLC.
>
> **Recommended Mitigation Measure 28: Pre-construction Survey for Special-Status Species**
> If suitable habitat is identified, prior to the start of work, CDFW recommends that a qualified biologist conduct focused surveys for LOSH and SLC and their requisite habitat features
>
> **Recommended Mitigation Measure 29: Special-Status Species Avoidance**
> Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these species and, if applicable, their associated burrows and habitat areas. CDFW also recommends that if these species are found, project activities in their immediate vicinity cease, allowing individuals to leave the project site of their own accord.

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California Red-Legged Frog

The Project site is within the geographic range of California red-legged frog (CRLF) and habitat is present within the Project site. There have been CRLF within a half a mile to the east of the Project and are also known to inhabit pools within Orestimba Creek (CDFW 2026). CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons. The species will also breed in ephemeral waters (Thomson et al. 2016). Review of aerial imagery and aquatic resources inventory layers indicate the presence of several ephemerally riparian features within the vicinity of the Project area that may be suitable to support CRLF populations and their dispersal. As a result, the Project has the potential to impact CRLF.

Thus, CDFW recommends the CEQA document include the following measures:

> **Recommended Mitigation Measure 30: CRLF Surveys and Avoidance**
> CDFW recommends that a qualified biologist conduct focused surveys for CRLF within areas of suitable habitat adjacent to or within the Project site 48-hours prior to initiating Project construction. Surveys should consist of two night surveys immediately prior to construction or as otherwise required by USFWS in accordance with the "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF are within or adjacent to the Project site. If CRLF are found during preconstruction surveys, or at any time during construction, CDFW recommends avoidance whenever possible via delineation and observance of a 50-foot no-disturbance buffer around CRLF and their burrows. If CRLF are observed on the Project site, CDFW also recommends that Project activities in the immediate vicinity cease, allowing individuals to leave the Project site of their own accord. Finally, CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for CRLF.

Branchiopods

The Project site is within the geographic range of the following federal listed branchiopods species: Conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardi*) (CDFW 2026). These Branchiopods have been documented within grassland, agricultural, silvicultural, and aquacultural settings throughout California (USFWS 2007). Based on aerial imagery, it appears that ephemeral ponding occurs at least seasonally at multiple locations within the Project. These small, freshwater crustaceans complete

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their entire lifecycle within a variety of vernal pool habitats and temporary waters between November and early May.

Therefore, CDFW recommends the CEQA document include the following measures:

> **Recommended Mitigation Measure 37: Branchiopod Surveys and Consultation with CDFW**
> CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers. Additionally, consultation with USFWS may be necessary to minimize the potential for federal "take" and/or mitigate for potential impacts.

Western Pond Turtle

Western pond turtle (WPT) is a Federal Endangered Species Act (FESA) candidate species and is considered a special-status species in California and occurs in Orestimba Creek just north of the Project area (CDFW 2026). Review of aerial imagery shows habitats that WPT utilize for nesting, overwintering, dispersal, and basking – including streams, ponded areas, irrigation canals, and riparian and upland habitats – are present. WPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). While WPT nesting requirements are still not well understood, the Project has the potential to impact nesting habitat since maximum WPT dispersal distances are unknown. Further, the presence of riparian features within the Project area provides potential habitat and presents the opportunity for use and dispersal of WPT into the Project site. Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact WPT populations. Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Thus, CDFW recommends the CEQA document include the following measures:

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Recommended Mitigation Measure 31: WPT Surveys
CDFW recommends that a qualified biologist conduct focused surveys for WPT within 10 days prior to Project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

Recommended Mitigation Measure 32: WPT Avoidance and Minimization
CDFW recommends that any WPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project area. If WPT individuals are discovered at the Project site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

Monarch Butterfly

Project-related activities have the potential to impact monarch butterfly (MOBU) and its early breeding habitat. MOBU is a FESA candidate species and is considered a special-status species in California. The Project is located within the Priority Level 1 Restoration Zone for recovering Western monarchs in California, which is designated as the most critical area for MOBU recovery (USFWS 2023). USFWS has found that early emerging milkweed species are likely a limiting factor on the landscape in the early breeding zone and may be associated with the severe population decline of western monarchs. Monarch butterflies only lay their eggs on plants in the genus *Asclepias*, commonly known as milkweed. Milkweed breeding habitat is integral to the monarch reproductive cycle. A MOBU caterpillar was observed feeding on narrow leaf milkweed (*Asclepias fascicularis*) under a 1 ½ from the northeastern corner of the Project boundary (CDFW 2026). This suggests that there is the possibility of milkweed being utilized by MOBU within the Project site.

MOBU populations in California have declined by over 99% in the past three decades (USFWS 2021). Loss and degradation of MOBU breeding habitat is thought to be one of the leading factors in the decline of the MOBU population (Fallon et al. 2015; The Center for Biological Diversity et al. 2014). Milkweed is essential to MOBU reproduction, and its abundance is correlated with MOBU population numbers (Fallon et al. 2015).

Therefore, CDFW recommends the CEQA document include the following measures:

Recommended Mitigation Measure 33: Milkweed Surveys
A qualified biologist or botanist should conduct a habitat assessment and survey for milkweed during the growing season, prior to Project implementation, to determine if the Project site or its immediate vicinity contains habitat suitable to support MOBU breeding. A qualified biologist or botanist should conduct a complete site census for milkweed using a survey protocol submitted to, and

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approved by, CDFW. Surveys should be conducted during the appropriate vegetative period of local species so that milkweed presence can be accurately assessed.

Recommend Mitigation Measure 34: Larval MOBU Surveys
If breeding habitat is present, and project activities are occurring during the MOBU's breeding season (February-October; or during known MOBU breeding season for the Project area), the qualified biologist or botanist should assess the Project area for milkweed and other nearby plants (up to 10 meters away from milkweed stands) for the presence of MOBU eggs, larvae, and chrysalises. The assessment should be conducted by a qualified biologist familiar with MOBU identification at all life stages. Any milkweed or other plants found to be occupied by MOBU butterfly eggs, larvae, or chrysalises should be flagged.

Recommend Mitigation Measure 35: MOBU and Milkweed Avoidance
Project activities should avoid take of MOBU and milkweed to the greatest extent possible. A qualified biologist should educate workers on milkweed and MOBU identification and avoidance. Flagged milkweed should be avoided.

Recommended Mitigation Measure 36: MOBU Relocation
If project related impacts to MOBU-occupied milkweed are unavoidable, CDFW recommends that MOBU eggs, larva, and chrysalises be relocated by a qualified biologist holding a Specific Use Scientific Collecting Permit. To mitigate removal of milkweed, CDFW recommends that the project re-plant native milkweed on the Project site at a 1:1 ratio with removed plants.

Editorial Comments and/or Suggestions

Lake and Streambed Alteration Agreement: Multiple streams subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. appear to be present within the Project site based on a review of aerial imagery. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. The phrase "any river, stream, or lake" includes those features that are heavily modified or are ephemeral or intermittent, as well as those that are perennial in nature.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for any future

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tiered project does not adequately describe said project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Botanical Surveys: CDFW recommends that the CEQA document for this Project include a measure requiring the Project site be surveyed by a qualified botanist for any possible special-status plants following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities"(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline) during biological technical studies completed in support of the future CEQA documents tiered from this Plan. CDFW recommends that the plant surveys be floristic and, if necessary, utilize a known reference site for any special-status plants in order to provide a high level of confidence in the effort and results.

If a special-status plant is found, CDFW recommends that the special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the USFWS be conducted to determine permitting needs.

Wildlife Corridors and Habitat Connectivity: California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupts species habitat and cuts off migration corridors. Habitat connectivity requires space for wildlife to move through a matrix of high- and low-quality habitat. The CEQA document should include an analysis of potential indirect impacts of the Project on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, natural habitats, riparian ecosystems, and wildlife corridors especially as they relate to connectivity. The CEQA document should also include an evaluation of potential indirect impacts of the Project on any designated and/or proposed reserve or mitigation lands such as preserved lands associated with a conservation or recovery plan, or other conserved lands. There are large conserved lands to the east of the Project site, specifically the Simon-Newman and Romero Ranches, which cover over 61,000 acres. These conserved lands were intended to be an anchor for additional conservation efforts in the area. These conserved lands are known to support golden eagle and red-legged frog, among other species.

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The Project site and vicinity support significant biological resources and contain habitat connections that support movement across the broader landscape, sustaining both transitory and permanent wildlife populations. The Project may have potential impact on the movement of SJKF in an area with known dispersal impact on the two species. In addition, the Project site contains suitable vernal pools, wetland, and riparian habitat for several special-status species. There is the potential that Project activities could impact the ability for these species to move through the broader landscape of the Project vicinity. Additionally, Project activities could impact the ability of species within the Project site to move between the Project and the nearby lands. As such, CDFW recommends that on-site features that contribute to habitat connectivity be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified, and addressed in the CEQA document.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts should be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and should be focused specifically on the resource, not the Project. An appropriate resource study area should be identified and utilized for this analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Artificial Lighting: Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends that the CEQA document for the Project include an analysis of artificial lighting as it relates to biological resources and incorporates enforceable mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting is not installed in ecologically

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sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analyses conducted in support of the Project's CEQA document be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

California Natural Diversity Database: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB, but where there are suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDB 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.

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 CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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 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).

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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 Darcy Gonzalez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 807-1452, or by electronic mail at Darcy.Gonzalez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1 (MMRP)

ec: State Clearinghouse

Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

Darcy Gonzalez
California Department and Fish and Wildlife

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Attachment 1

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Attachment 1

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

PROJECT: 2026-0416 Amanece Hybrid Solar
Project Review Consultation Notice

SCH No.: 20260068

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Recommended Mitigation Measure 1: SJKF Surveys	
Recommended Mitigation Measure 2: SJKF Take Authorization	
Recommended Mitigation Measure 3: CTS Protocol-Level Surveys	
Recommended Mitigation Measure 5: CTS Take Authorization	
Recommended Mitigation Measure 6: SWHA Pre-Construction Surveys	
Recommended Mitigation Measure 8: SWHA Take Authorization	
Recommended Mitigation Measure 9: SWHA Foraging Habitat Mitigation	
Recommended Mitigation Measure 10: TRBL Surveys	
Recommended Mitigation Measure 12: TRBL Take Authorization	
Recommended Mitigation Measure 13: GOEA Evaluation	
Recommended Mitigation Measure 16: BUOW Pre-construction Surveys	
Recommended Mitigation Measure 18: BUOW Take Authorization	
Recommended Mitigation Measure 19: CBB Pre-construction Surveys	
Recommended Mitigation Measure 21: CBB Take Authorization	
Recommended Mitigation Measure 22: WESP Pre-Activity Surveys	
Recommended Mitigation Measure 24: WESP Take Authorization	
Recommended Mitigation Measure 25: AMBA Surveys	

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RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Recommended Mitigation Measure 27: Special-Status Habitat Assessment	
Recommended Mitigation Measure 28: Pre-construction Survey for Special-Status Species	
Recommended Mitigation Measure 30: CRLF Surveys and Avoidance	
Recommended Mitigation Measure 31: WPT Surveys	
Recommended Mitigation Measure 33: Milkweed Surveys	
Recommend Mitigation Measure 34: Larval MOBU Surveys	
Recommended Mitigation Measure 37: Branchiopod Surveys and Consultation with CDFW	
During Construction	
Recommended Mitigation Measure 2: SJKF Take Authorization	
Recommended Mitigation Measure 4: CTS Avoidance Buffer	
Recommended Mitigation Measure 7: SWHA No-Disturbance Buffer	
Recommended Mitigation Measure 11: TRBL Avoidance Buffer	
Recommended Mitigation Measure 14: GOEA Avoidance Buffer	
Recommended Mitigation Measure 17: BUOW Avoidance Buffer	
Recommended Mitigation Measure 20: CBB Avoidance Buffer	
Recommended Mitigation Measure 23: WESP Avoidance Buffer	
Recommended Mitigation Measure 26: AMBA Avoidance	
Recommended Mitigation Measure 29: Special-Status Species Avoidance	
Recommended Mitigation Measure 32: WPT Avoidance and Minimization	
Recommend Mitigation Measure 35: MOBU and Milkweed Avoidance	
Recommended Mitigation Measure 36: MOBU Relocation	