

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-OPT-02
<b>Project Title:</b>	Compass Energy Storage Project
<b>TN #:</b>	263799
<b>Document Title:</b>	CDFW's comments for the Notice of Preparation of a Draft Environmental Impact Report for the Compass Energy Storage Project
<b>Description:</b>	California Department of Fish and Wildlife (CDFW) comments for the Notice of Preparation of a Draft Environmental Impact Report for the Compass Energy Storage Project
<b>Filer:</b>	Renee Longman
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	6/3/2025 3:27:39 PM
<b>Docketed Date:</b>	6/3/2025



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June 3, 2025

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**Subject: Notice of Preparation of a Draft Environmental Impact Report for the  
Compass Energy Storage Project, SCH No. 2025050184; Orange County,  
CA**

Dear Renee Longman:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the California Energy Commission (CEC) for the Compass Energy Storage Project (Project). CDFW appreciates this opportunity to provide comments and recommendations regarding proposed Project activities that may affect California fish and wildlife, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

The proposed Project would ordinarily require one or more discretionary approvals by CDFW because it may result in substantial adverse impacts to streams subject to Fish and Game Code, section 1602 and incidental take of species protected under the California Endangered Species Act (CESA; Fish and G. Code, § 2081). CDFW would typically submit comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). However, because the Project proponent

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

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 2 of 14

opted into the Assembly Bill (AB) 205 certification process, the CEC has exclusive jurisdiction over the proposed Project and is responsible for ensuring any certification of the proposed Project including all conditions necessary to ensure compliance with the Fish and Game Code and its implementing regulations found in Title 14 of the California Code of Regulations (Pub. Resources Code, §§ 25545.1, subd. (b), 25545.5, subd. (a)). Thus, CDFW does not have a direct permitting role in the process that would ordinarily trigger a Responsible Agency role. CDFW instead submits these comments as a Trustee Agency under CEQA.

Pursuant to AB 205, the CEC and CDFW developed a coordination plan through a Memorandum of Understanding (MOU) to ensure that all potential impacts to fish, wildlife, and plant resources, and the habitats upon which they depend, including but not limited to incidental take of species protected under CESA, are consistent with the Fish and Game Code and its implementing regulations found in Title 14 of the California Code of Regulations (Pub. Resources Code, § 25545.5, subd. (a)). The MOU also ensures timely and effective consultation between the CEC and CDFW with respect to any proposed CEC findings and actions regarding potential impacts to fish, wildlife, and plant resources (*Ibid*). CDFW is thus submitting these comments in its consultation role under AB 205 and the MOU.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Compass Energy Storage, LLC.

**Objective:** According to the NOP, the Project is a proposed battery energy storage system (BESS) that would be capable of storing up to 250 megawatts (MW) of electricity for four hours (up to 1,000 MW hours). The Project would be composed of lithium-iron phosphate batteries, inverters, medium-voltage transformers, a switchyard, a collector substation, and other associated equipment to interconnect into the existing San Diego Gas & Electric (SDG&E) Trabuco to Capistrano 138-kilovolt transmission line. The Project would connect to the SDG&E electric transmission system via a proposed "loop-in" transmission line that would be constructed to transfer power to and from the proposed Project. The loop-in transmission line will be supported by up to five pole structures which will be sited to fully avoid Oso Creek. These poles consist of two poles on the Project site within the SDG&E switchyard, west of Oso Creek, and three poles on the east side of Oso Creek (two of which will be replacing existing poles); only one pole on the east side of Oso Creek will be new.

**Location:** According to the NOP, the Project site consists of approximately 12.4 acres of an approximately 40.8-acre parcel in San Juan Capistrano, California. The Project also includes approximately 1.83 acres of offsite components (access road). The Project is located within the northern portion of the city, adjacent to Camino Capistrano with Interstate-5 located to the east.

**Biological Setting:** The Project is immediately adjacent to Oso Creek and currently consists of a mixture of undeveloped and developed lands. Open space associated with

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 3 of 14

Saddleback Church Rancho Capistrano is located on the northern side of the Project site. This space contains dirt roads and light, non-commercial, agricultural activity. Besides a few small dirt trails and roads, the southern portion of the Project site is undeveloped, with no sign of recent agricultural activity. Mulefat (*Baccharis salicifolia*) thickets and Fremont cottonwood/mixed willow (*Populus fremontii*-*Salix laevigata*) Riparian Mixed Hardwood Woodland occur along Oso Creek on the eastern Survey Area (Project site plus 100-foot buffer) boundary.

Land use surrounding the Survey Area consists of residential development to the north, east, and west. Interstate 5 is located to the east, separating the Survey Area from other developed areas. Residential development to the west is denser than the residential development to the east. Several creeks, including Oso Creek, Arroyo Trabuco, and Horno Creek, occur in the vicinity that eventually drain to the Pacific Ocean to the south.

Two Species of Special Concern (SSC) were observed by biological consultants, during a Project site survey, within Oso Creek: yellow breasted chat (*Icteria virens*) and yellow warbler (*Setophaga petechia*). Ground disturbance proposed as part of the Project could have adverse impacts to sensitive herpetofauna such as southwestern pond turtle (*Actinemys pallida*), should they be present in upland areas or be moving through the Project site to upland aestivation sites. Crotch's bumble bee (*Bombus crotchii*) and burrowing owl (*Athene cunicularia*) are both State candidates for listing and have some potential to occur at or near the Project site.

**Consultation with CDFW:** CDFW appreciates the opportunity to have engaged with CEC staff and/or the Project proponent in numerous meetings, phone calls, and a site visit for the Project. On April 26, 2024, CDFW provided the Data Adequacy Worksheet to the Project manager. On May 21, 2024, CDFW conducted a site visit with the Project proponent and biological consultant. On February 13, 2025, CDFW commenced bi-weekly meetings with the Project consultant to discuss Project impacts, species on site, and potential avoidance, minimization, and mitigation strategies. Subsequent meetings occurred on April 14, April 28, May 12, 2025, and June 3, 2025. CDFW will continue to collaborate with and provide support to the CEC throughout the AB 205 certification process.

## COMMENTS AND RECOMMENDATIONS

The DEIR will determine the potential environmental impacts associated with the Project. CDFW offers the following comments and recommendations to assist CEC in adequately identifying the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources.

### Specific Comments

- 1) **CESA Listed Species.** CDFW considers adverse impacts to a species protected by CESA to be significant for purposes of CEQA. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 4 of 14

Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Project proponent should seek take coverage through the AB-205 certification process and CEC should ensure that “the impacts of the authorized take shall be minimized and fully mitigated” through the imposition of Project conditions (Fish & G. Code, § 2081, subd. (b)(2); Pub. Resources Code, § 25794.5, subd. (d)).<sup>2</sup>

- 2) **Western Burrowing Owl.** On October 10, 2024, the Fish and Game Commission voted unanimously to advance the western burrowing owl (*Athene cunicularia*) to candidacy under CESA. As such, the species is currently afforded all the legal protections of a CESA-listed species. For the purposes of CEQA, CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation.

The NOP indicates western burrowing owl have the potential to occur on site. Western burrowing owls use burrows dug by other species, such as the California ground squirrel (*Spermophilus beecheyi*), as well as natural rock cavities, debris piles, culverts, and pipes for nesting during the breeding season and for roosting and cover, year-round. The species inhabits areas with short, sparse vegetation, including golf courses, agricultural areas, ruderal grassy fields, vacant lots, and parks.

The DEIR should require up-to-date evaluation of impacts to western burrowing owl, including habitat assessments, surveys, and evaluations of the extent to which the species and its habitat could be impacted, directly or indirectly, on and within a reasonable distance of proposed Project area. Guidance for evaluating Project impacts can be found in the [Staff Report on Burrowing Owl Mitigation](#) (California Department of Fish and Game 2012).

- 3) **Crotch’s Bumble Bee.** Crotch’s bumble bee is a generalist bee species. The NOP indicated that Crotch’s bumble bee has the potential to occur at or near the Project site. Additionally, the Project area falls within the current range for Crotch’s bumble bee based on CDFW’s [Crotch’s Bumble Bee Range Dataset](#) (CDFW 2024). Up-to-date focused surveys should be conducted to determine Crotch’s bumble bee presence/absence within the Project area.

CDFW recommends that, in preparation of the DEIR, CEC retain a qualified biologist with the appropriate handling permits to conduct focused bumble bee surveys. Focused surveys should follow CDFW’s [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023). Focused surveys should also be conducted throughout the entire Project area

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<sup>2</sup> <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program> [“The Opt-In program requires the CEC to . . . [e]nsure consistency with all laws, ordinances, regulations, and standards (LORS) under the Warren-Alquist Act.”]

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 5 of 14

during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Findings from the focused survey should be included in the DEIR for complete public disclosure and review.

The DEIR should also provide a discussion of habitat suitability for Crotch's bumble bee. Additionally, the DEIR should provide a discussion of the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project would impact Crotch's bumble bee, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species.

- 4) **Southwestern Pond Turtle.** The NOP indicated ground disturbance as part of the Project could have adverse impacts to sensitive herpetofauna such as southwestern pond turtle (*Actinemys pallida*), should they be present in upland areas or be moving through the project site to upland aestivation sites. According to the California Natural Diversity Database (CNDDDB), multiple observations of southwestern pond turtle have occurred within Oso Creek. Focused surveys should follow the [Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion](#) (USGS 2006).

Southwestern pond turtle is a candidate species under the federal Endangered Species Act (ESA) and may meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15065). CEQA provides protection for both ESA-listed species and SSC's that can be shown to meet the criteria for State listing (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the CEC (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW or United States Fish and Wildlife Service (USFWS). Take under the federal ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. To comply with the ESA, consultation with USFWS is advised well in advance of any Project-related ground-disturbing activities where impacts to southwestern pond turtle may occur.

## General Comments

- 5) **Disclosure.** The DEIR should provide an adequate, complete, and detailed disclosure about the effects the Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW can 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 (e.g., current range, distribution, population trends, and connectivity).

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 6 of 14

- 6) Project Description and Alternatives. To enable adequate review and comment on the proposed Project, CDFW recommends the following information be included in the DEIR.
- a. A complete discussion of the purpose, need, 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 CEC select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the CEC 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 DEIR 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 CEC select Project designs and alternatives that would 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.
- 7) 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 area 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 an SSC a significant direct and cumulative

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 7 of 14

adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.

- e. 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 DEIR 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](#).<sup>3</sup>
- f. 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](#).<sup>[06]</sup> Botanical field surveys should be comprehensive over the entire Project area, 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 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 area. This usually involves multiple visits to the Project area (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.
- g. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. The [Manual of California Vegetation](#), second edition, (Sawyer, Keeler-Wolf, & Evens, 2009)<sup>4</sup> 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.
- h. A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. A full literature review includes but is not limited to CDFW's [CNDDDB](#). The CNDDDB 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 CNDDDB to determine a list of species potentially present in the Project area. A nine-quadrangle search should be provided in the Project's

<sup>3</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>



Renee Longman  
California Energy Commission  
June 3, 2025  
Page 8 of 14

CEQA document for adequate disclosure of the Project's potential impact on biological resources.

- i. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, 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 area 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](#)<sup>4</sup> for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS.
  - j. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur at or near the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 8) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following.
- a. 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.)).
  - b. 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

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<sup>4</sup> <https://wildlife.ca.gov/conservation/survey-protocols>

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 9 of 14

ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).

- c. 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 DEIR.
  - d. 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.
  - e. 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 DEIR.
- 9) 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 impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR 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 CEC'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 CEC concludes that the Project would not result in cumulative impacts on biological resources, the CEC, "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)).

- 10) Nesting Birds. 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

Renee Longman  
 California Energy Commission  
 June 3, 2025  
 Page 10 of 14

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, 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.

- 11) 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).
  - a. The DEIR 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).
  - b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR 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.
- 12) Compensatory Mitigation. The DEIR 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 that cannot be otherwise avoided or minimized. 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

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 11 of 14

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.

- 13) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR 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.
- 14) 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.
- 15) Wetland Resources. CDFW, as described in Fish and Game Code, section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#). 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."
  - a. 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 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

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 12 of 14

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 DEIR and these measures should compensate for the loss of function and value.

- b. 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).

- 16) Use of Native Plants and Trees. CDFW recommends the CEC require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project area (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](https://www.cal-ipc.org/plants/inventory/)<sup>5</sup> CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project area. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

## 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

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<sup>5</sup> <https://www.cal-ipc.org/plants/inventory/>

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 13 of 14

subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The [CNDDDB website](#)<sup>6</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#).

The CEC should ensure data collected for the preparation of the DEIR is properly submitted.

## FILING FEES

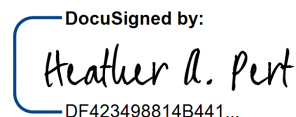
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order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

## CONCLUSION

CDFW will continue to meet with CEC staff ahead of and during DEIR preparation to discuss potential Project related impacts and possible avoidance, minimization, and/or mitigation measures for the biological resources that may be analyzed in the DEIR. The recommendations and comments provided above are intended to inform and support CEC's environmental review process. CDFW encourages the incorporation of the comments above into the DEIR to ensure adequate protection of fish, wildlife, and plant resources.

Questions regarding this letter or further coordination should be directed at Felicia Silva,<sup>7</sup> Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:  
  
DF423498814B441...

Heather A. Pert  
Environmental Program Manager  
South Coast Region

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<sup>6</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>7</sup> Phone: (562) 292-8105; Email: [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)

Renee Longman  
California Energy Commission  
June 3, 2025  
Page 14 of 14

ec: California Department of Fish and Wildlife  
Heather A. Pert, Environmental Program Manager  
Baron Barrera, Senior Environmental Scientist (Supervisory)  
Felicia Silva, Senior Environmental Scientist (Specialist)

Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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