



September 3, 2020

Kern County Planning and Natural Resources Department
Attn: Ronelle Candia
2700 M Street, Suite 100
Bakersfield, CA 93301
Via email to: CandiaR@kerncounty.com

Re: Comments on Initial Study and Notice of Preparation of a Draft Environmental Impact Report for the proposed Aratina Solar Farm project

Dear Ms. Candia;

Thank you for the opportunity to review and submit comments on the Initial Study and Notice of Preparation (IS/NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Aratina Solar Farm project (Project). This comment letter is submitted by Defenders of Wildlife (Defenders) on behalf of its 1.8 million members and supporters in the U.S., including 279,000 in California, and the Desert Tortoise Council (Council), a strong advocate in tortoise conservation and recovery.

Defenders is a national conservation organization founded in 1947 and dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

The Council is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and management and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

Brief description of the Project: The Project, Aratina Solar Farm, is a 600 MW photovoltaic facility located on approximately 2,700 acres of undeveloped private land located west of Kramer Junction and adjacent to Highway 58. Permanent facilities of the Project include service roads, power collection system, communication cables, overhead and underground transmission lines,

electrical switchyards, substations, inverters, battery storage, and operations and maintenance facilities. The Project site would be cleared of natural vegetation, graded, and surrounded by a chain-link security fence.

Our comments on the IS/NOP for the Project are as follows:

1. Wildlife habitat linkages/desert tortoise: The Project is located within the range of the desert tortoise, a species listed as threatened under the federal Endangered Species Act and California Endangered Species Act. More specifically, the Project is located within the Western Mojave Recovery Unit for the species according to the Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*).¹ The Project is also located within a habitat linkage for the species that connects populations in the Fremont-Kramer and Superior Cronese Critical Habitat Units.²

We recommend that a survey for the desert tortoise be performed that conforms to the current survey standards established by the U.S. Fish and Wildlife Service.³ If the species is observed or adjacent to the Project site based on the survey, the Project applicant should be required to apply for and obtain an incidental take permit from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.

If the species occurs on or adjacent to the Project site, the DEIR should include measures to avoid, minimize or compensate for unavoidable impacts. Such measures should include terms and conditions for incidental take permits issued to the Project applicant.

2. Wildlife habitat linkages/Mohave ground squirrel: We note that in the IS/NOP under Biological Resources, the project may have a significant adverse impact on "...the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites."

According to the map of Habitat Linkages and Wildlife Movement Corridors in the Desert Renewable Energy Conservation Plan (DRECP), the Project is located within a portion of the Desert Linkage Network (Attachment A). A map of this linkage is also available on DataBasin: (<https://databasin.org/maps/new#datasets=85d73316b5ab4816b56ed21787ed78a2>). This linkage is identified in the publication, A linkage Network for the California Deserts⁴ and is associated with the Mohave ground squirrel, listed as Threatened by the California Fish and Game Commission. A description of this species and its linkage is provided on pages 88-90 of the linkage report. Important habitats and populations of the Mohave ground squirrel were identified in Figure C-39 of the DRECP (Attachment B).

¹ U.S. Fish and Wildlife Service. 2011. Revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. 222 pp.

² Averill-Murray, R. et al. 2013. Conserving population linkages for the Mojave desert tortoise (*Gopherus agassizii*). Herpetological Conservation and Biology 8(1):1 – 15.

³ https://www.fws.gov/nevada/desert_tortoise/documents/manuals/MojaveDesertTortoisePre-projectSurveyProtocol_2019_v2.pdf

⁴ Penrod, K., P. Beier, E. Garding, and C. Cabañero. 2012. A Linkage Network for the California Deserts. Produced for the Bureau of Land Management and The Wildlands Conservancy. Produced by Science and Collaboration for Connected Wildlands, Fair Oaks, CA www.scwildlands.org and Northern Arizona University, Flagstaff, Arizona <http://oak.ucc.nau.edu/pb1/>.

In 2019, the California Department of Fish and Wildlife (CDFW) published *A Conservation Strategy for the Mohave Ground Squirrel (Xerospermophilus mohavensis)*.⁵ This strategy, initiated in 2006, was developed with broad participation and dedicated effort of more than 35 organizations, including state, federal, and local agencies, academia, consulting firms, and non-governmental organizations. Key findings and recommendations contained in the strategy include:

- The range of the Mohave ground squirrel is one of the smallest of any species of ground squirrel in North America.
- The greatest known cause of Mohave ground squirrel decline is habitat loss, which has led to a reduction of the species' range and a decrease in dispersal opportunities.
- Habitat loss for the species has occurred from urban and rural development, agriculture, military operations, energy development, transportation infrastructure, and mining.
- To recover the species, high-quality habitat must be available to support existing populations, allow for population expansion during years favorable for reproduction, and maintain genetic linkages between subpopulations.
- Along with continued threats from habitat loss and degradation throughout its range, climatic changes will likely place additional stress on the species, by causing further reduction of suitable habitat and necessitating shifts in its distribution and range.
- For maximum effectiveness, habitat conservation efforts should focus on areas that support existing core population areas, additional habitat should be preserved for dispersal and linkage between population areas (linkages), as well as for population expansion (peripheral population areas).
- Emphasize the critical conservation importance of habitat protection and restoration in planning and compliance documents.
- Establish guidelines for off-site mitigation, including mitigation ratios and management and monitoring recommendations.
- Establish off-site mitigation through conservation banks or other mechanisms.
- Develop best management practices (BMPs) to minimize take of MGS during all phases of project implementation, especially during ground disturbance phases.

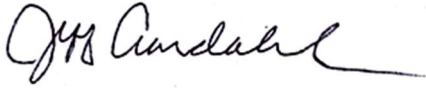
We recommend that the DEIR for the Project thoroughly address the impacts of the project on the Mohave ground squirrel including its populations and habitat linkages in the project area. Numerous observations of this species are documented in the vicinity of the Project in the California Natural Diversity Database. Thus, we recommend that the species should be considered present and the project applicant be required to obtain an incidental take permit from the Region 4 office of the CDFW in Fresno, California. We anticipate that an incidental take permit from CDFW for impacts to the Mohave ground squirrel will include terms and conditions to avoid, minimize or mitigate such impacts, and that mitigation will require acquisition and permanent protection of private land habitat occupied by the species for adverse impacts that cannot be avoided. Alternatively, protocol-level surveys must be performed to ascertain absence of the species.⁶

⁵ <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=171301&inline>

⁶ California Department of Fish and Game. 2003 (revised 2010). Mohave ground squirrel survey guidelines. Unpublished guidelines produced by CDFG (currently CDFW = California Department of Fish and Wildlife). Sacramento, CA.

Conclusion: Defenders and the Council thank the Kern County Planning and Natural Resources Department for the opportunity to review and comment on the IS/NOP for the Project. We hope our comments are helpful in preparing the DEIR. Please contact either of us if you would like any additional information or have questions on our comments.

Sincerely,



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Attachments:

- A: Desert Linkage Network map
- B: Figure C-39 of the DRECP (Mohave ground squirrel important areas map)