



October 2, 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

City of California City Planning Department
21000 Hacienda Boulevard
California City, CA 93505
Attn: Shawn Monk, City Planner/Economic Development Administrator
Via email to: smonk@californiacity-ca.gov

Re: Initial Study/Notice of Preparation of an Environmental Impact Report-Kudu Solar Farm Project by 69SV 8ME LLC (PP20405)

Dear Ms. Candia and Mr. Monk;

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 public 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 Kudu Solar Farm is a proposed photovoltaic solar facility and energy storage system capable of producing up to 500 megawatts of alternating current power and 600 MW hours of battery storage capacity on approximately 1,955 acres of privately-owned land. The proposed project would be supported by a 230 kilovolt gen-tie overhead and/or underground gen-tie originating from the Eland Substation and terminating at the Los Angeles Department of Water and Power Barren Ridge Substation located approximately two miles northwest of the project site, or through an upgraded connection through the existing Eland 1 Solar Project transmission line.

Approximately 1,281 acres of the proposed project are located within the California City limits, with the remainder located on unincorporated private land under the permitting jurisdiction of Kern County. Native vegetation onsite is typical of that found throughout the western Mojave Desert, dominated by creosote bush and white bursage on bajadas, and saltbush scrub in interspersed, lower elevation alkaline basins.

Many project parcels have been previously disturbed and/or cultivated, with fallow agricultural fields and cleared lands that were never put into planned agricultural production. Much of the fallowed land is barren of native shrub cover, save a monoculture of rubber rabbitbrush.

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

1. NOP/Initial Study/Biological Resources: We are pleased to find that various impacts to biological resources from proposed project are recognized as potentially significant in the IS/NOP, including:

- Species identified as a candidate, sensitive, or special status species by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS);
- Sensitive natural communities identified by the CDFW or USFWS;
- Intermittent streams classified by the CDFW as "Waters of the State"; and
- Wildlife habitat linkages providing opportunities for movement of native resident or migratory species.

2. Agassiz's Desert Tortoise: The proposed project is located within the range of Agassiz's desert tortoise, a species listed as threatened under the Endangered Species Act and California Endangered Species Act (CESA).

We understand that EnviroPlus Consulting performed focused protocol surveys in the spring of 2020 that discovered desert tortoise sign on western parts of the subject property, north of Phillips Road. During subsequent trapping surveys for Mohave ground squirrel, tortoise sign was also found south of Phillips Road. We ask that the results of these surveys and observations be included in the DEIR. Because tortoise sign has been found onsite, the project applicant should be advised to apply for and obtain an incidental take permit from the USFWS and CDFW. The applicant should be advised to also initiate discussions with these two agencies to determine how many acres of occupied desert tortoise habitat would be impacted by the project, which would be used to determine how many acres of compensation habitat must be acquired and managed in perpetuity.

Since the species occurs onsite, the DEIR should include measures to avoid, minimize and compensate for unavoidable impacts. Such measures should include terms and conditions for incidental take permits issued to the project applicant.

2. Mohave Ground Squirrel: The proposed project is located within the range of the Mohave ground squirrel, listed as a threatened species under CESA.

It is our understanding that protocol trapping surveys for Mohave ground squirrel¹ were performed by Dr. Philip Leitner in the spring and summer of 2020. We ask that the results of these surveys, including consultant survey reports, be published in the DEIR. During these surveys, Mohave ground squirrels were captured both east and west of Neuralia Road, which demonstrates that all non-agricultural lands within proposed project areas are considered to be suitable, likely occupied habitats. Please include maps that show differing habitat types, which can serve as the basis to determine how many acres of habitat will need to be compensated. This acreage and other information will be required to determine compensation levels in the incidental take permit that will be required from CDFW.

In addition, 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.

3. Habitat Linkages: The proposed project is located within or adjacent to a desert habitat linkage identified in the Desert Renewable Energy Conservation Plan (DRECP) and shown on Figure III.7-26 (see attachment). The DEIR should analyze if the proposed project would impact this linkage and, if so, identify alternative configurations of the project solar panel arrays and other infrastructure that would avoid or minimize function of the linkage. Based on the maps of the proposed project in the IS/NOP, it appears project site numbers 2 and 3 may have the potential to impact the integrity and function of the linkage.

Conclusion: Defenders and the Council thank the Kern County Planning and Natural Resources Department, and the California City Planning Department, for the opportunity to review and comment on the IS/NOP for the proposed project. We hope our comments are helpful in

¹ California Department of Fish and Game. 2003 (revised 2010). Mohave ground squirrel survey guidelines. Unpublished guidelines produced by CDFG (now CDFW). Sacramento, CA.

preparing the DEIR. Please contact us if you would like any additional information or have questions on our comments.

Sincerely,



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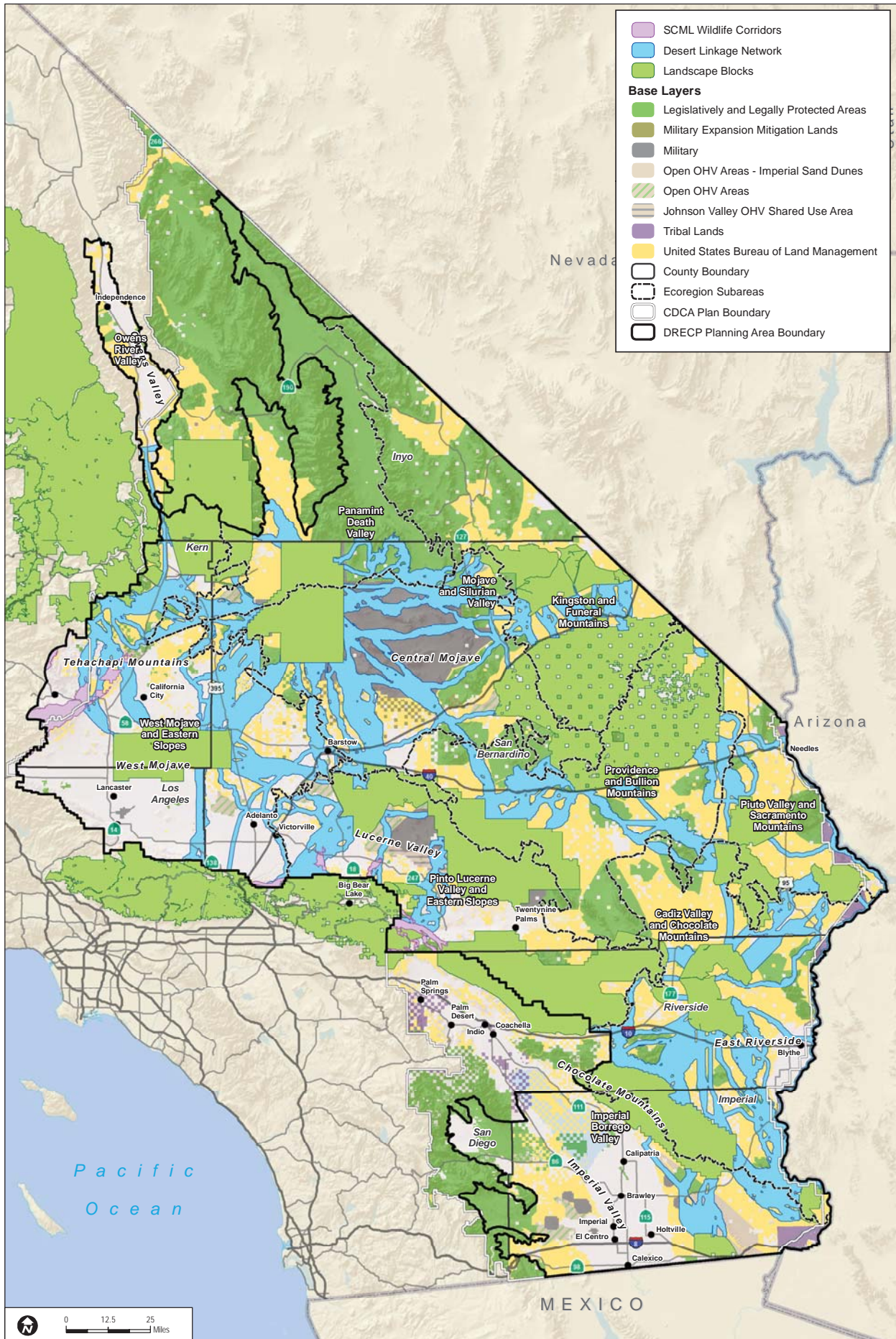


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Attachments: Map of habitat linkages from the DRECP



Sources: ESRI (2015); CEC (2013); BLM (2015); CDFW (2013); USFWS (2013); South Coast Wildlands (2012)

FIGURE III.7-26

Habitat Linkages and Wildlife Movement Corridors - Ecoregion Subarea Index Map