

## 8.2.3 Agency Comments and Responses

The following agencies have submitted comments on the Draft EIR.

**Table 8.2.3-3. Agency Comment Documents Received**

Respondent	Code	Contact Information
<b>California Department of Transportation (Caltrans), District 11</b> Letter dated: July 31, 2025	A1	4050 Taylor Street, MS 240 San Diego, CA 92110 <i>Contact: Mark McCumsey, Associate Transportation Planner</i>
<b>Jacumba Community Services District (JCSD)</b> Letter dated: August 7, 2025	A2	11201 Harrel Street Jurupa Valley, CA 91752 <i>Contact: Dan DeMoss, General Manager</i>
<b>Naval Base Coronado</b> Letter dated: August 11, 2025	A3	Naval Base Coronado, Box 357033 San Diego, CA 92135 <i>Contact: Charles Bradshaw, Community Plans and Liaison Officer (CPLO)</i>
<b>Caltrans, District 11</b> Letter dated: September 8, 2025	A4	4050 Taylor Street, MS 240 San Diego, CA 92110 <i>Contact: Mark McCumsey, Associate Transportation Planner</i>
<b>Caltrans, District 11</b> Letter dated: September 15, 2025	A5	4050 Taylor Street, MS 240 San Diego, CA 92110 <i>Contact: Mark McCumsey, Associate Transportation Planner</i>
<b>California Department of Fish and Wildlife (CDFW), South Coast Region</b> Letter dated: September 26, 2025 [late]	A6	1933 Cliff Drive Santa Barbara, CA 93109 <i>Contact: Mayra Molina, Senior Environmental Scientist</i>

**From:** [Mccumsey, Mark@DOT](mailto:Mccumsey, Mark@DOT)  
**To:** [Koutoufidis, Nicholas](mailto:Koutoufidis, Nicholas)  
**Subject:** [External] RE: Notice of Availability for the Draft EIR for the Starlight Solar Project (PDS2022-MUP-22-010)  
**Date:** Thursday, July 31, 2025 4:04:16 PM  
**Attachments:** [image001.jpg](#)

Hi Nicholas,  
I am in receipt of your email of the NOA and the link to the DEIR for the Starlight Solar project.

When we receive the hard copies of the notices and it's addressed to former employees, are you able to delete their names? We still get a lot of mails for Jacob Armstrong. LOL

A1-1

Thanks,

**Mark McCumsey**

Associate Transportation Planner  
Caltrans District 11  
Local Development Review Branch, MS 240  
4050 Taylor Street, San Diego, CA 92110  
[Mark.McCumsey@dot.ca.gov](mailto:Mark.McCumsey@dot.ca.gov)

Cell: (619) 985-4957  
*Telework: Mondays, Wednesdays and every other Friday*  
*Office: Tuesdays & Thursdays*  
*Some Fridays off*



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**From:** Koutoufidis, Nicholas <[Nicholas.Koutoufidis1@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis1@sdcounty.ca.gov)>  
**Sent:** Thursday, July 31, 2025 3:54 PM  
**Subject:** Notice of Availability for the Draft EIR for the Starlight Solar Project (PDS2022-MUP-22-010)

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Hello,

Please see the attached Notice of Availability for the Draft Environmental Impact Report (DEIR) for the Starlight Solar project (PDS2022-MUP-22-010).

I am also reaching out to make sure that you receive a link to the DEIR public disclosure website below for the Starlight Solar project. Hard copy notices have also been mailed out to the individuals that previously provided mailing addresses.

Public Disclosure Website:

[Starlight Solar \(sandiegocounty.gov\)](https://www.sandiegocounty.gov)

Please feel free to contact me if you have any questions.

Thank you,

**Nick Koutoufidis, MBA**

Land Use & Environmental Planner | He/Him/His  
County of San Diego | Planning & Development Services

Phone: ~~(619) 356-8348~~ | Email: [Nicholas.Koutoufidis1@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis1@sdcounty.ca.gov)

**New Number: (619) 340-5481**

**8.2.3.1 Response to Comment Letter A1 from Caltrans, District 11  
(dated July 31, 2025)**

Comment No.	Response
A1-1	The comment confirms that the Draft EIR was received by California Department of Transportation District 11. No comments regarding the environmental effects of the project were included in the letter; therefore, no changes to the Draft EIR were determined to be necessary in response to this comment.

**From:** [Dan DeMoss](#)  
**To:** [Koutoufidis, Nicholas](#)  
**Cc:** [Katrina Westley](#); [Estevan Garibay](#); [Emilio Gonzalez](#); [Mariah Johnson](#)  
**Subject:** [External] Jacumba bulk water sales for projects  
**Date:** Thursday, August 7, 2025 1:15:11 PM  
**Attachments:** [Jacumba Construction Water Application 2025.pdf](#)  
[Fwd JCSD construction water sales availability.msg](#)

Good afternoon, Nick

I wanted to introduce or reintroduce myself to you as I am the GM for Jacumba CSD I believe we have corresponded before on some issues. I wanted to follow up with you regarding an email that was sent by Katrina Westley the Board President on June 5<sup>th</sup>, 2023. The emailed referenced the boards concerns about construction water sales availability and any existing MOU's or the perception that water would always be available for construction sales. To clarify, the district does have construction water to sale, but we need to look at the amounts of water that are expected daily and then assess what's available and reasonable from a production standpoint for the wells to provide.

A2-1

I am new to this issue with the district as I was not involved in the last major construction that went on where the district sold water for any major projects. Again, the concerns of the board are the same currently as they were in 2023 and given my lack of experience with this district on this issue, I think it would be good for the district and you and/or the appropriate county person to have a meeting to look at projects coming in and the expectations of the district to supply construction water.

One of the changes that has occurred is the Construction Water Application that contractors are required to submit now has limitations on time of day and routes of travel through the district when water is needed. We currently have a max pumping rate of 200 gpm with a max available water from the highlands well of 200,000 GPD. Given the time and travel restriction in the application the amount of expected construction water available needs to be considered in the planning of the various projects.

A2-2

I have attached the updated construction water application as well as the email from 2023 for your references. I look forward to hearing from you.

Dan

Dan DeMoss  
CRWA/SUSP Executive Director  
Cell# 916-616-7761  
Off# 916-553 4900  
ddemoss@calruralwater.org

**Jacumba Community Service District**

1266 Railroad St/ P.O. Box 425  
Jacumba, CA 91934  
jacumbawater@att.net  
Office 619-766-4359  
Fax 619-766-9061

**APPLICATION FOR BULK WATER SALES**

*(please type or print clearly)*

COMPANY: \_\_\_\_\_

NAME: \_\_\_\_\_

BILLING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE #: \_\_\_\_\_ CELL #: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

*I agree to pay for water usage in accordance with the Jacumba Community Service District Administrative Code of Rules and Regulations on file at the District Office.*

**CONSTRUCTION RATE STRUCTURE AND BILLING**

ADMIN/BASE RATE: \$127.63 PER MONTH

PUMPING FEE: \$255.26 PER MONTH

WATER USAGE: \$18.48 PER 100 CUBIC FEET

*(Pumping Fee and Base Rate are prorated by number of days used if not a full month.)*

- Non-potable water can be purchased from JCSD at Highland Center Well and Park Wells  
44681 OLD HWY Jacumba, Ca 91934 (HLC and Park Wells)
- A log is to be kept and completed daily at the time of each filling operation. Log is to be turned into JCSD by the 30<sup>th</sup> of each month. Billing is completed monthly.
- District will monitor and check meter at the well house each pumping day and keep records of water usage.
- Water Trucks/ Tanks will be filled from 7:00 AM- 4:00 PM
- Water Trucks driving through town must adhere to speed limit
- Contractor will let District know how many trucks and loads will be taken each day  
*200,000 Gallons pumped limit per day on Highland Well*
- Egress and Ingress to the Highland Wells shall be via Jacumba exit from Highway 8 only. All construction vehicles are prohibited from traveling through Jacumba via Old Highway 80 west or eastbound.
- A late fee of 10% will be charged to any account with an outstanding balance after 30 days of the billing date.
- A service charge of \$25.00 will be added to any account with a return check for non-sufficient funds.
- No refund will be given for any reason.
- Invoices will be sent out on 1<sup>st</sup> of each month via email (if 1<sup>st</sup> falls on weekend next business day for invoice)

SIGNATURE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Office Use Only

ACCT#: \_\_\_\_\_

SERVICE START DATE: \_\_\_\_\_

A2-3

**From:** [Katrina Westley](#)  
**To:** [Dan DeMoss](#)  
**Subject:** Fwd: JCSD construction water sales availability  
**Date:** Thursday, August 7, 2025 11:27:32 AM

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----- Forwarded message -----

From: **Katrina Westley** <[katwestleywater@gmail.com](mailto:katwestleywater@gmail.com)>  
Date: Mon, Jun 5, 2023 at 1:22 PM  
Subject: JCSD construction water sales availability  
To: <[Nicholas.Koutoufidis1@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis1@sdcounty.ca.gov)>  
Cc: Sarah Misquez <[sarahmisquez3@gmail.com](mailto:sarahmisquez3@gmail.com)>

Hello Nick,  
It was nice speaking with you this morning.

This email follows our conversation in reference to the Rugged, Starlight and JVR Solar projects construction water availability MOU's and any related agreements.

A2-4

The JCSD has three newly elected board members who are reviewing all of the outstanding construction water MOU's and sales agreements.

A2-5

As discussed, the board has concerns over whether or not the JCSD wells are healthy and whether they can continue to support these types of large projects and continue to provide water for the needs of the district.

We also have concerns that the previous large construction projects may have seriously damaged some of the JCSD wells. We are in the process of having our wells evaluated to see what their current status is, and whether they could continue to support these type of large construction projects.

A2-6

In order to protect the district water supply, in April 2023, the board met and voted to suspend all such projects until we have the appropriate information about the district's wells in order to be able to make an informed decision about how to move forward.

A2-7

As we understand it, the county provided the legal services for the JCSD to enter into these earlier agreements. We would appreciate receiving copies of all of the information in the County's files regarding the MOU's and sales agreements that the county negotiated and documented on behalf of the JCSD.

A2-8

Please include any information about how the wells were evaluated (and by whom) to determine if they were suitable for such projects and how the wells were monitored during the projects.

A2-9

We have also had difficulty locating any communications between the companies involved with the projects and the JCSD or county. Would you provide all documentation the county has regarding communications to and from and companies or people involved with the sale of JCSD water.

A2-10

If you have any questions, please feel free to contact me.

I A2-11

Thank you,

Katrina Westley  
Chairman, Board of Directors  
Jacumba Community Services District

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Katrina Westley  
Chairman, Board of Directors  
Jacumba Community Services District

### 8.2.3.2 **Response to Comment Letter A2 from the JCSD (dated August 7, 2025)**

Comment No.	Response
A2-1	<p>This comment introduces the letter and refers to two attachments: a JCSD construction water purchasing application, and email correspondence from Katrina Westley, Chairman of the JCSD, dated June 5, 2023.</p> <p>Responses to the specific comments in the letter and the referenced attachments are provided below. The comments from Katrina Westley are provided below in comment A2-4 through A2-11.</p>
A2-2	<p>The commenter states that the JCSD currently has a maximum pumping rate of 200 gallons per minute and that the maximum amount of water available from the active well is 200,000 gallons per day. The commenter refers to the updated construction water purchasing application, which includes these limits, and requests that the amount of expected construction water available needs to be considered in project planning.</p> <p>This comment has been noted. The projected daily water demand during construction of the proposed project would not exceed the limits noted in the construction purchasing application. Construction of the Phase I Area would require approximately 18,500 gallons of water per day on average. Construction of the Phase II Area would require approximately 45,000 gallons of water per day on average. According to the Groundwater Resources Investigation Report prepared for the proposed project (Appendix G.5 of the Draft EIR), the JCSD has sufficient capacity to serve the project during construction. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-3	<p>The commenter provides an updated JCSD construction water purchasing application.</p> <p>A construction water purchasing application will be submitted prior to construction of the project. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-4	<p>This comment introduces the letter from Katrina Westley, Chairman of JCSD, dated June 5, 2023.</p> <p>Responses to the specific comments in the letter are provided below. The Westley Letter does not focus on the sufficiency of the Draft EIR's identification and analysis of significant environmental impacts or measures to avoid or mitigate those impacts; instead, the commenter requests information from the County regarding memorandums of understanding (MOUs) and sales agreements that the County negotiated and documented on behalf of JCSD regarding construction water.</p>
A2-5	<p>The commenter states that the JCSD board has concerns regarding the health of JCSD's wells and whether the wells can continue to support both the water needs of the JCSD in addition to large construction projects, like the proposed project.</p> <p>According to the Groundwater Resources Investigation Report prepared for the proposed project (Appendix G.5 of the Draft EIR), the JCSD has sufficient capacity to serve the project during construction, operation, and decommissioning, in addition to other approved and proposed projects in the nearby vicinity. According to page 49 of the report, Emilio Gonzales (JCSD General Manager) was consulted during preparation of the report. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-6	<p>The commenter states that past construction projects may have damaged JCSD wells.</p> <p>According to the Groundwater Resources Investigation Report prepared for the proposed project (Appendix G.5 of the Draft EIR), the JCSD currently operates two wells – the Highland Center Well and the Park Well. In the event that the Highland Center Well is not operational, the project would rely on water from the Park Well as a backup supply. Additionally, in accordance with project design feature PDF-HY-2, both JCSD wells would be monitored throughout the duration of the project, which would ensure that the wells are not damaged by the project. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-7	<p>The commenter states that all water provisions for construction projects have been suspended as of April 2023.</p> <p>In response to this comment, the Project Facility Availability Water Agreement, dated June 28, 2022, has been included as Appendix Q to the Final EIR, which includes a signature from JCSD General Manager Emilio Gonzales confirming the district's receipt of the form. The Project Facility Availability Water Agreement for the proposed project was approved by JCSD on June 28, 2022, which predates the April 2023 suspension of new construction water sales. As discussed above in Response A2-3, a construction water purchasing application will be submitted prior to construction of the project. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-8	<p>The commenter requests that the County provide a copy of the project's water sales agreement.</p> <p>A construction water purchasing application will be submitted prior to construction of the project. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>

Comment No.	Response
A2-9	<p>The commenter requests information regarding past evaluations of JCSD wells.</p> <p>According to the Groundwater Resources Investigation Report prepared for the proposed project (Appendix G.5 of the Draft EIR), testing at the Highland Center Well was conducted in July of 2023, which confirmed that the well was operational. Testing at the Park Well was conducted in November of 2015, during which time the well was operational.</p> <p>As discussed in Section 2.4, Hydrology and Water Quality, of the Draft EIR, monitoring will be conducted to verify that groundwater levels remain stable at accessible off-site wells. An updated Groundwater Monitoring and Mitigation Plan (GMMP), which details the updated establishment of groundwater thresholds for off-site well interference and groundwater-dependent habitat, has been prepared for off-site water supply (see Appendix G.2 of the Draft EIR). No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-10	<p>The commenter requests that the County provide a copy of all communications between the County, the project applicant, and the JCSD regarding water sales for construction of the proposed project.</p> <p>In response to this comment, the Project Facility Availability Water Agreement, dated June 28, 2022, has been included as Appendix Q to the Final EIR, which includes a signature from JCSD General Manager Emilio Gonzales confirming the district's receipt of the form. As discussed above in Response A2-3, a construction water purchasing application will be submitted prior to construction of the project. The County does not have any additional documentation regarding water sales for the proposed project. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A2-11	<p>This comment concludes the letter.</p> <p>The County notes the concerns raised regarding the project's water supply. The environmental analyses contained in Draft EIR Sections 2.4, Hydrology and Water Quality, and 3.1.10, Utilities and Service Systems, provide an accurate assessment of the environmental impacts regarding water quality, water supply, and water use. Please refer to Global Response GR-3 regarding the project's groundwater impacts. Additionally, the Project Facility Availability Water Agreement, dated June 28, 2022, has been included as Appendix Q to the Final EIR to provide clarification regarding the project's anticipated water source during construction. No further changes to the Draft EIR were determined to be necessary in response to this comment letter.</p>

**From:** [Bradshaw, Charles P III CIV USN NAVBASE CORONADO CA \(USA\)](#)  
**To:** [Koutoufidis, Nicholas](#)  
**Cc:** [Cordova, Lorena G CIV USN \(USA\)](#)  
**Subject:** [External] Starlight Solar Project Scope Confirmation  
**Date:** Monday, August 11, 2025 3:39:56 PM  
**Attachments:** [image001.png](#)

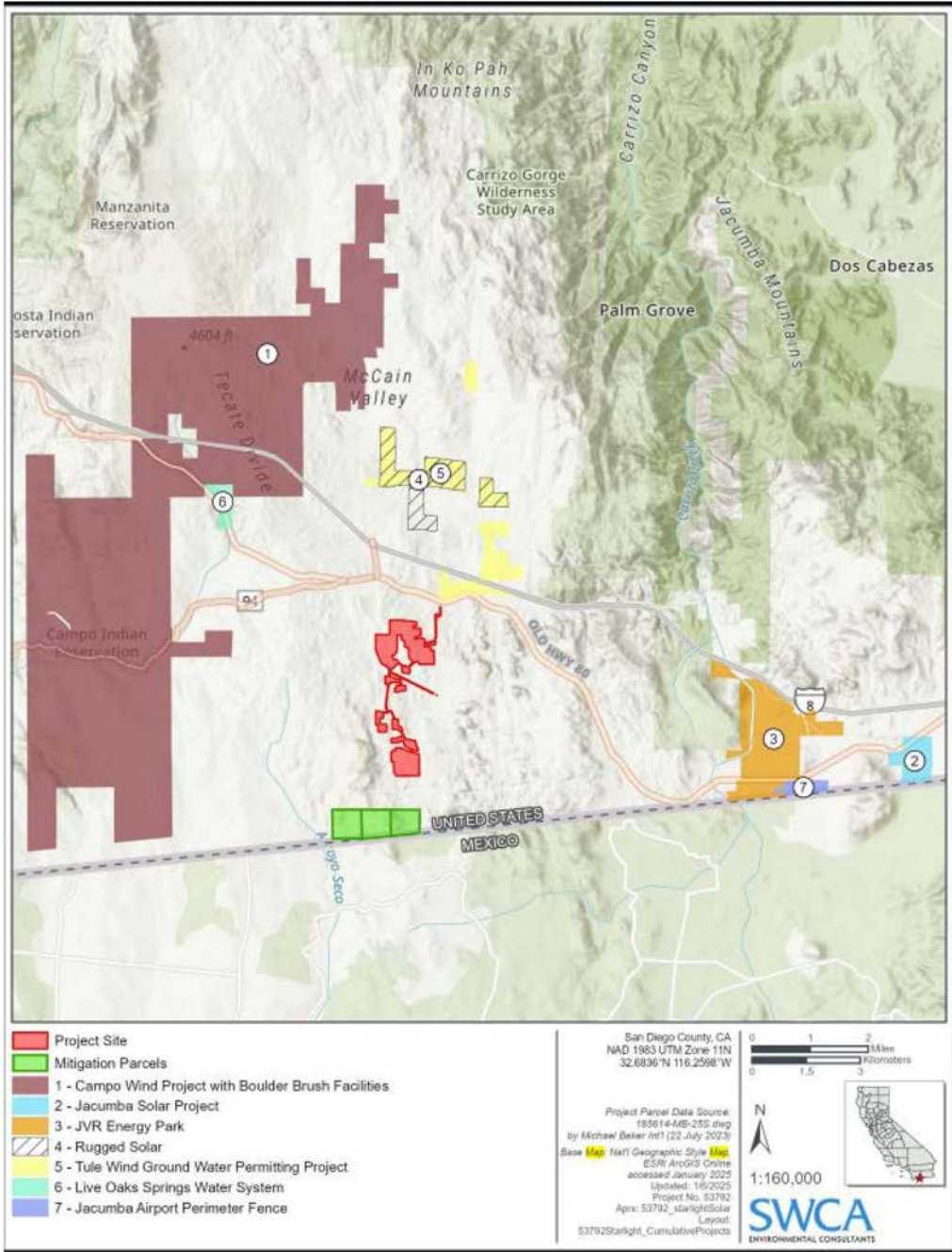
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Nicholas,

I have question about the scope of this project. This is from one of the exhibits. Will the footprint of the project be limited to the red polygons on the map? I believe this will be the only location where the project will be, which is 6 miles east of the installation.

↓  
A3-1

V/R  
Charles Bradshaw



A3-1  
(cont'd)

Naval Base Coronado  
 Community Plans and Liaison Officer (CPLO)  
[charles.p.bradshaw3.civ@us.navy.mil](mailto:charles.p.bradshaw3.civ@us.navy.mil)  
 Office: 619-545-4134

**8.2.3.3      *Response to Comment Letter A3 from Naval Base  
Coronado (dated August 11, 2025)***

Comment No.	Response
A3-1	The commenter requests additional information regarding the location and footprint of the project. The project footprint will be limited to the areas shown on Figure 1-2 in Chapter 1.0, Project Description, Location, and Environmental Setting, of the Draft EIR. No changes to the Draft EIR were determined to be necessary in response to this comment.

**From:** "Mccumsey, Mark@DOT" <mark.mccumsey@dot.ca.gov>  
**To:** "Nicholas.Koutoufidis1@sdcounty.ca.gov"  
<nicholas.koutoufidis1@sdcounty.ca.gov>  
**Subject:** [External] Starlight Solar Plant DEIR  
**Date:**

Hi Nicholas,

One of our Traffic Engineers that is reviewing the Traffic Study for the Starlight Solar Plant DEIR would like to review the Synchro files. Would you be able to request the Synchros from the consultants? I reached out to Damon Davis, but he's on vacation today and the deadline for comments is due next Monday.

|  
A4-1  
|

Thanks,

**Mark McCumsey**

Associate Transportation Planner

Caltrans District 11

Local Development Review Branch, MS 240

4050 Taylor Street, San Diego, CA 92110

[Mark.McCumsey@dot.ca.gov](mailto:Mark.McCumsey@dot.ca.gov)

Cell: (619) 985-4957

*Telework: Mondays, Wednesdays and every other Friday*

*Office: Tuesdays & Thursdays*

*Some Fridays off*



**8.2.3.4 Response to Comment Letter A4 from Caltrans, District 11  
(dated September 8, 2025)**

Comment No.	Response
A4-1	<p>The commenter requests that the County provide the “Synchros files” used to evaluate the project’s traffic impacts.</p> <p>The County provided the requested “Synchros Files” to Caltrans via an email to Mark McCumsey on September 9, 2025. No comments regarding the environmental effects of the project were included in the letter; therefore, no changes to the Draft EIR were determined to be necessary in response to this comment.</p>

**From:** "Mccumsey, Mark@DOT" <mark.mccumsey@dot.ca.gov>  
**To:** "Nicholas.Koutoufidis1@sdcounty.ca.gov"  
<nicholas.koutoufidis1@sdcounty.ca.gov>, "Davis, Damon"  
<damon.davis@sdcounty.ca.gov>  
**Subject:** [External] Starlight Solar Project DEIR - Caltrans Letter - I-8 -  
SCH#2023030603  
**Date:** Mon, 15 Sep 2025 21:31:55 +0000

Hi Nick,  
Please find attached Caltrans letter on the Starlight Solar Project DEIR  
letter near I-8 and Ribbonwood Road in eastern San Diego County.

Let me know if you have any questions,

Thank you!

Mark McCumsey  
Associate Transportation Planner  
Caltrans District 11  
Local Development Review Branch, MS 240  
4050 Taylor Street, San Diego, CA 92110  
Mark.McCumsey@dot.ca.gov <mailto:Mark.McCumsey@dot.ca.gov>  
Cell: (619) 985-4957  
Telework: Mondays, Wednesdays and every other Friday  
Office: Tuesdays & Thursdays  
Some Fridays off

A5-1

**Attached Images:**



# California Department of Transportation

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
(619) 985-1587 | FAX (619) 688-4299 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



September 15, 2025

11-SD -8  
PM R67.459  
Starlight Solar Project  
DEIR/SCH#2023030603

Mr. Nicholas Koutoufidis  
Environmental / Land Use Planner  
San Diego County Planning and Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Dear Mr. Koutoufidis:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the Starlight Solar Project located near Interstate 8 (I-8) in eastern San Diego County. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments:

### Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the



A5-2



A5-3

California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>

A5-3  
(cont'd)

**Right-of-Way**

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

A5-4

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

A5-5

Additional information regarding encroachment permits may be obtained by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Projects with the following:

- require a Caltrans Encroachment Permit
- have completed the Caltrans Local Development Review (LDR) process
- have an approved environmental document

A5-6

need to have documents submitted for Quality Management Assessment Process (QMAP) process via email to [D11.QMAP.Permits@dot.ca.gov](mailto:D11.QMAP.Permits@dot.ca.gov). Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Mark McCumsey, LDR Coordinator, at (619) 985-4957 or by e-mail sent to [mark.mccumsey@dot.ca.gov](mailto:mark.mccumsey@dot.ca.gov).

Sincerely,

*Kimberly D. Dodson*

KIMBERLY D. DODSON, GISP  
Branch Chief  
Local Development Review

**8.2.3.5 Response to Comment Letter A5 from Caltrans, District 11  
(dated September 15, 2025)**

Comment No.	Response
A5-1	<p>This comment introduces the comment letter from Caltrans District 11. Responses to the specific comments in the letter are provided below.</p>
A5-2	<p>The commenter thanks the County for including Caltrans in review of the Draft EIR for the proposed project and provides a summary of Caltrans' project review process.</p> <p>The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required and no changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A5-3	<p>The commenter provides information regarding maximum hauling vehicle size and weight and permits for operating oversized or overweight vehicles.</p> <p>This comment has been noted by the County. Construction vehicles will adhere to applicable California Vehicle Code requirements as a matter of regulatory compliance. If a special transportation permit is required, the Applicant or their authorized representative will be responsible for obtaining the required permit(s) during construction of the project. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A5-4	<p>The commenter provides information regarding the removal of survey monuments during construction.</p> <p>This comment has been noted by the County. Project construction activities are not expected to impact any survey monuments. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required and no changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A5-5	<p>The commenter states that any work performed within Caltrans right-of-way would require an encroachment permit and discretionary review.</p> <p>No work associated with the proposed project or its mitigation measures is proposed within Caltrans right-of-way. Thus, the Draft EIR for the project was not required to analyze such impacts. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A5-6	<p>The commenter concludes the letter by providing contact information for the Caltrans representative to whom questions should be directed and provides additional information regarding encroachment permits.</p> <p>As described in Response A5-5 above, the proposed project will not require an encroachment permit. No changes to the Draft EIR were determined to be necessary in response to this comment letter.</p>

**From:** Molina, Mayra@Wildlife Mayra.Molina@Wildlife.ca.gov  
**To:** Nicholas.Koutoufidis1@sdcounty.ca.gov Nicholas.Koutoufidis1@sdcounty.ca.gov  
**Subject:** [External] CDFW Comments for the Starlight Solar Project SCH #2023030603  
**Date:** Fri, 26 Sep 2025 23:23:08 +0000  
**CC:** Barrera, Baron@Wildlife Baron.Barrera@Wildlife.ca.gov, Ngo, Mary@Wildlife Mary.Ngo@wildlife.ca.gov, state.clearinghouse@lci.ca.gov state.clearinghouse@lci.ca.gov

Hi Nicholas,

Please see attached CDFW's comments on the Starlight Solar Project (SCH# 2023030603). If you have any questions, please reach out to Mary Ngo (cc'd).

A6-1

Thank you,

Mayra Molina ([she/they](#))

Senior Environmental Scientist (Specialist) – SGMA and Water Rights Coordinator

CA Department of Fish and Wildlife – South Coast Region

Habitat Conservation Program

1933 Cliff Drive

Santa Barbara, CA 93109

(562) 723-8734

[Mayra.Molina@wildlife.ca.gov](mailto:Mayra.Molina@wildlife.ca.gov)





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
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September 26, 2025

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**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE STARLIGHT SOLAR PROJECT, SCH NO. 2023030603; CITY OF BOULEVARD, SAN DIEGO COUNTY**

Dear Nicholas Koutoufidis:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) for the Starlight Solar Project (Project), which has been proposed by the County of San Diego (County) on behalf of Starlight Solar, LLC (Project Proponent).

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

**CDFW's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 State fish and wildlife resources.

CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G.



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Code, § 1600 et seq.). 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.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the County obtain appropriate authorization under the Fish and Game Code.

### **Project Summary**

**Project Proponent:** Starlight Solar LLC

**Objective:** The objective of the Project is to construct a 588-acre, remotely controlled solar energy generation and storage facility. The Project will produce up to 100 megawatts of alternating current solar energy and will include a battery energy storage system that will store up to 217.4 megawatts of electricity for dispatch into the local San Diego Gas and Electric grid. The power produced by the facility will connect into the Boulevard East Substation via an underground generation tie-line. The Project will also include internal access roads, security fencing, lighting, and signage, a 30-foot fuel modification zone, and water tanks for fire protection.

**Location:** The Project site is located south of the community of Boulevard in southern unincorporated San Diego County and is less than a mile from the southern United States border. The site is south of Interstate 8 and Old Highway 80, and East of Tierra Del Sol Road. Access to the Project site will be provided by Jewel Valley Road and Tule Jim Lane, both of which connect to Old Highway 80 in the community of Boulevard. Land surrounding the site consists of ranches, vacant land, and single-family residences.

### **Biological Setting:**

The Project site is largely undeveloped and is designated by the County’s General Plan as rural. According to the DEIR, natural communities mapped on site include granitic northern mixed chaparral, redshank chaparral, granitic chamise chaparral, montane buckwheat scrub, field/pasture, big sagebrush scrub, open coast live oak woodland, non-native grassland, southern riparian scrub, freshwater, coast live oak woodland, tamarisk scrub, freshwater seep, and alkali marsh. Three additional cover types within the categories of disturbed or developed were also mapped, including urban/developed, bare ground, and disturbed areas.

The DEIR states that open space easement areas will be conserved and managed as an off-site mitigation site southwest of the Project area. The Project’s proposed open space easement areas (Project’s proposed off-site mitigation) would cover approximately 447.93-acres, which includes sensitive vegetation communities, special-status plant species, and habitat for special-status species. This Project’s proposed off-site mitigation would be granted to the County or other approved conservation entity. Granting these off-site mitigation parcels would authorize the County and its agents to

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periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The Project's proposed off-site mitigation parcels are for protection of biological resources and prohibits all of the following activities on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The Project's proposed off-site mitigation would be unfenced. The Project is proposed in two phases; two separate (and respective) off-site mitigation parcels would be dedicated within the 448-acre area. The recordation of each off-site mitigation would occur prior to the issuance of a grading permit for each phase.

The Project site has potential to support a variety of sensitive wildlife species, including Quino checkerspot butterfly (*Euphydryas editha quino*; Federal Endangered Species Act listed endangered and CESA candidate listed), western spadefoot (*Spea hammondi*; California Species of Special Concern (SSC)), Southern California legless lizard (*Anniella stebbinsi*; SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), Blainville's horned lizard (*Phrynosoma blainvillii*; SSC), California glossy snake (*Arizona elegans occidentalis*; SSC), red-diamond rattlesnake (*Crotalus ruber*; SSC), tricolored blackbird (*Agelaius tricolor*; CESA listed-threatened), burrowing owl (*Athene cunicularia*; CESA listed- candidate), golden eagle (*Aquila chrysaetos*; Fully-Protected (FP); Watch List (WL)), prairie falcon (*Falco mexicanus*; WL), Cooper's hawk (*Accipiter cooperii*; WL), sharp-shinned hawk (*Accipiter striatus*; WL), northern harrier (*Circus hudsonius*; SSC), white-tailed kite (*Elanus leucurus*; FP), loggerhead shrike (*Lanius ludovicianus*; SSC), California horned lark (*Eremophila alpestris actia*; WL), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL), long-eared owl (*Asio otus*; SSC), Yuma mountain lion (*Puma concolor browni*; SSC), Trinidad kangaroo rat (*Dipodomys merriami trinidadensis*; SSC), Jacumba pocket mouse (*Perognathus longimembris internationalis*; SSC), Bryant's woodrat (*Neotoma bryanti lepida*; SSC), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*; SSC), pallid bat (*Antrozous pallidus*; SSC), western red bat (*Lasiurus frantzii*; SSC), western mastiff bat (*Eumops perotis californicus*; SSC), and a very uncommon species, the southern grasshopper mouse (*Onychomys torridus*).

The Project site also has potential to support sensitive and rare plant species, including Jacumba milk-vetch (*Astragalus douglasii* var. *perstrictus*; California Rare Plant Rank (CRPR) 1B.2), long-spined spineflower (*Chorizanthe polygonoides* var. *longispina*; CRPR 1B.2), desert beauty (*Linanthus bellus*; CRPR 2B.1), Tecate tarplant (*Deinandra floribunda*; CRPR 1B.2), sticky geraea (*Geraea viscida*; CRPR 2B.2), Higgin's barberry (*Berberis higginsiae*; CRPR 3.2), San Bernardino aster (*Symphyotrichum defoliatum*; CRPR 1B.2), decumbent goldenbush (*Isocoma menziesii* var. *decumbens*; CRPR 1B.2), and southern jewelflower (*Streptanthus campestris*; CRPR 1B.3).

The proposed Project is located within the draft East County Multiple Species Conservation Program (MSCP) coverage area. The MSCP remains in a draft form and has not been adopted. Further, the Planning Agreement, which established an interim

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process to help ensure projects within the planning area met preliminary conservation objectives, expired on January 31, 2025.

**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. Editorial comments or other suggestions may also be included to improve the document.

**Comment #1: Impacts to High Conservation Value Habitats**

**Issue:** The Project may adversely impact two sensitive upland habitats, granitic northern mixed chaparral and granitic chamise chaparral.

**Specific impacts:** Granitic northern mixed chaparral and granitic chamise chaparral are identified as special-status chaparral communities. Project implementation and decommissioning includes grading and vegetation clearing, which may result in population declines, or local extirpation of these special-status chaparral communities.

**Why impacts would occur:** The Project is within an area designated by the County of San Diego as a Focused Conservation Area (County 2008). A Focused Conservation Area is land identified through the County's habitat evaluation models as having high or very high biological value and is prioritized for conservation because it supports large, intact habitat blocks and maintains landscape connectivity and ecological functions. According to the County of San Diego's North and East County Multiple Species Conservation Program Natural Community Conservation Plan Planning Agreement (2021), this area is considered of high conservation value. The DEIR did not consider the Project's location within the Focused Conservation Area, or its high habitat value, when determining the 0.5:1 mitigation ratio of granitic northern mixed chaparral and granitic chamise chaparral. Absent adequate mitigation, the Project may result in significant individual and/or cumulative impacts to sensitive plant resources within the Project area and surrounding region.

**Evidence impacts would be significant:** CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2009). The Project may have direct or indirect effects on these sensitive plant communities.

Impacts to special-status plant communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in a project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional

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plans such as multispecies habitat conservation plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service.

**Recommended Potentially Feasible Mitigation Measure(s):**

To ensure that compensatory mitigation adequately offset impacts to high-value conservation habitats, maintains ecological function, and is consistent with CEQA requirements, including CEQA Guidelines Sections 15065 (Significant Effects on Environment), 15380 (Rare and Endangered Species), and 15126.4 (Mitigation Measures), CDFW recommends the following mitigation measure:

**Mitigation Measure #1: Compensatory Mitigation.** To compensate for Project impacts on high value conservation habitats (granitic northern mixed chaparral and granitic chamise chaparral), the County shall provide offsite mitigation for 437.75 acres of granitic northern mixed chaparral and 129 acres of granitic chamise chaparral. These communities are considered sensitive and declining at a regional level, and compensatory mitigation at these acreages is necessary to fully offset adverse impacts, maintain ecological functions, and reduce potential impacts to less-than-significant level under CEQA.

**Comment #2: The Project's Proposed Off-Site Mitigation Parcels may not be Sufficiently Protected**

**Issue:** The Project's proposed off-site mitigation may not be sufficiently protected due to impacts associated with the United States Border Patrol (Border Patrol) activities along the USA-Mexico Border.

**Specific impacts:** The Project's proposed off-site mitigation areas are located directly along the USA-Mexico Border. Border Patrol activities in the area may include clearing of vegetation to create new, unauthorized paths for heavy vehicles. These activities could result in significant impacts on the Project's proposed off-site mitigation, potentially rendering the mitigation unsuitable for addressing the Project's impacts on sensitive vegetation communities, habitats for plant and wildlife species, and special-status individuals.

**Why impacts would occur:** The DEIR indicates that the Project is consistent with U.S. Customs and Border Protection safety and access policies but does not specify what kind of access will be allowed for the Project's proposed off-site mitigation. According to the Project's 2025 Conceptual Resource Management Plan in the DEIR, "[t]he mitigation is undeveloped and is surrounded by undeveloped land to the north, east, and west, with the border along the USA-Mexico border to the south. Dirt access roads within the mitigation site have a typical width of approximately 20 feet and are used by U.S. Border Patrol" (p. 7). However, the DEIR does not provide information regarding the locations of these dirt access roads, nor does it offer avoidance or minimization measures to ensure that Border Patrol activities do not impact vegetated areas.

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Furthermore, the 2025 Conceptual Resource Management Plan states, “(i)n the event that individuals were able to illegally cross the border, the mitigation site may be subject to noise impacts from Border Patrol helicopters, crushing of wildlife and vegetation by vehicles, as well as trash deposition and the increased risk of fires (p. 6).” Wildlife may be trapped or crushed in Border Patrol staging areas. Large equipment, vehicles, and foot traffic could trample or bury wildlife. Border patrol activities within and adjacent to the Project’s proposed off-site mitigation area pose a significant challenge to adequately mitigate the Project’s impacts.

According to Lenihan (2016), Border Patrol activities can include cutting new access roads, burying detection equipment underground, and driving vehicles off-road which can disrupt desert hydrology and create dustbowl conditions. Without a contingency plan to address unforeseen impacts associated with Border Patrol activities, the Project’s proposed off-site mitigation may result in inadequate compensatory mitigation which could result in significant impacts under CEQA (CEQA Guidelines Sections 15065, 15380, and 15126.4).

**Evidence impacts would be significant:** CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2009). The Project may have direct or indirect effects on these sensitive plant communities.

Impacts to special-status plant communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in a project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans such as multispecies habitat conservation plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service. Absent adequate mitigation, including contingency measures and funding, the Project may result in significant individual and/or cumulative impacts to sensitive plant resources within the Project area.

**Recommended Potentially Feasible Mitigation Measure(s):**

To adequately address potential risks to the Project’s proposed off-site mitigation parcels from Border Patrol activities, to ensure that compensatory mitigation will remain effective, enforceable, and consistent with CEQA, including CEQA Guidelines Sections 15065 (Significant Effects on Environment), 15380 (Rare and Endangered Species), and 15126.4 (Mitigation Measures), CDFW recommends the following contingency measures, including the permanent projection of all mitigation areas through a conservation easement:

**Recommendation #1:** Contingency Plan in Mitigation Measure M-BI-4. CDFW recommends that the final environmental document and the Resource Management Plan include detailed contingency measures to address ongoing unauthorized access

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through the Project site, and any resulting significant disturbance or damage to the area. These contingency measures are necessary to ensure compliance with CEQA Guidelines Sections 15065 and 15126.4, which require feasible mitigation for significant impacts to sensitive habitats. Contingency measures may include the identification and conservation of additional mitigation areas of high biological value, located away from the USA-Mexico border. Areas subject to routine or ongoing Border Patrol activity that could compromise habitat quality or accessibility should not be counted towards the Project's required mitigation acreage. Only areas capable of providing long-term, effective conservation should be credited.

**Recommendation #2:** Contingency Funding in Mitigation Measure M-BI-4. CDFW recommends that the Resource Management Plan include a 10 percent contingency added to the non-wasting endowment calculation. This contingency funding is intended to offset unanticipated expenditures, inflation, catastrophic events, and/or unauthorized damage, and supports implementation of mitigation measures consistent with CEQA Section 15126.4.

**Recommendation #3:** Conservation Easement. CDFW recommends that all mitigation areas associated with the Project be permanently protected under a conservation easement. The conservation easement should be recorded prior to or concurrently with mitigation implementation to ensure long-term protection of biological resources, maintain ecological function, and prevent unauthorized disturbance.

**Comment #3: Impacts on Special Status and Rare Plant Species**

**Issue:** The Project may adversely impact special-status and rare plant species during implementation and decommissioning activities.

**Specific impacts:** Project implementation and decommissioning include grading and vegetation clearing activities, which may result in direct mortality, population declines, or local extirpation of sensitive plant species.

**Why impacts would occur:** According to the 2025 Biological Resources Report in the DEIR, focused plant surveys found Jacumba milk-vetch, long-spineflower, Tecate tarplant, sticky geraea, and desert beauty. The traditional method of solar construction is "blade and grade", which involves blading vegetation and grading, resulting in soil compaction. According to Karban et al. (2024), construction practices often include the removal of all native vegetation with "blade and grade", causing redistribution of seeds that are stored in a soil seed bank. Many rare or special-status plant species are annuals that avoid disturbance with a dormant seed phase, so their persistence depends on seeds stored in undisturbed soils (Karban et al. 2024). Project activities that do not minimize disturbance to vegetation and soil could result in population declines, or local extirpation of sensitive plant species.

**Evidence impacts would be significant:** Impacts on rare flora could be considered a significant effect on the environment. Plants with a CRPR of 1B are classified as rare

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throughout their range, endemic to California, and are seriously or fairly threatened. Most of the plants that are ranked 1B have declined significantly over the last century. The additional threat rank of 0.1 indicates a species with over 80 percent of its occurrences threatened in California. The additional threat rank of 0.2 indicates a species with 20 to 80 percent of its occurrences threatened (CNPS 2025). Impacts to CRPR 1B plant species and their habitat meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Impacts on CRPR 1B plant species and their habitat may result in a mandatory finding of significance because the Project would potentially threaten to eliminate a plant community and substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Insufficient mitigation may result in unmitigated temporal or permanent impacts to a rare plant species. Without appropriate avoidance and minimization measures or appropriate mitigation, the Project could have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a plant species identified as a candidate, sensitive, or special status species by CDFW.

**Recommended Potentially Feasible Mitigation Measure(s):**

To minimize the potential for direct and indirect impacts to rare and special-status plant species, including mortality, population decline, or local extirpation, and to ensure mitigation measures consistent with CEQA Guidelines Sections 15065, 15380, and 15126.4, CDFW recommends the following measure:

**Recommendation #4: Additional Minimization Measure.** CDFW recommends the Project proponent consider an alternative construction method instead of the traditional “blade and grade” method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact (“drive and crush”). Leaving vegetation crushed with the “drive and crush” method, leaves roots intact and allows special-status plant species and other vegetation to more successfully regenerate. This alternative construction method can create an opportunity for vegetation to be left between panel rows and ameliorate some habitat effects (Karban et al. 2024).

**Comment #4: Revisions to Mitigation Measure M-BI-5: Avian Breeding and Special-Status Wildlife Impact Avoidance**

**Issue:** The Project may impact a wide range of species including avian and sensitive species protected under CESA or designated as an SSC.

**Specific impacts:** Several sensitive species have been regularly observed nesting and foraging throughout the Boulevard area. The Project may potentially result in the loss of foraging and nesting habitat for Cooper’s hawk, sharp-shinned hawk, Bell’s sage sparrow, turkey vulture, Southern California legless lizard, coast horned lizard, San Diego black-tailed jackrabbit, San Diego desert woodrat, coastal whiptail, California horned lark, western bluebird, mule deer, mountain lion, southern California rufous-crowned sparrow, golden eagle, long-eared owl, red-shouldered hawk, northern harrier,



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white-tailed kite, prairie falcon, loggerhead shrike, Lewis' woodpecker, California glossy snake, red-diamond rattlesnake, pallid bat, Dulzura pocket mouse, northwestern San Diego pocket mouse, pallid San Diego pocket mouse, greater western mastiff bat, southern grasshopper mouse, mountain quail, rosy boa, San Diego ringneck snake, ringtail, western red bat, small-footed myotis, long-eared myotis, Quino checkerspot butterfly, and monarch butterfly. These impacts could result in increased nestling mortality and reduced reproductive success, representing a significant impact on these imperiled species. The Project may also result in a loss of breeding and/or foraging habitat.

**Why impacts would occur:** The Project area contains suitable habitat and recent documented occurrences of some of these sensitive species. Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. Mitigation measure M-BI-5 may not (1) provide a sufficiently large buffer to avoid take, (2) commit adequate mitigation for the Project (particularly if take occurs), (3) adopt specific performance standards the mitigation will achieve, and/or (4) identify the type(s) of potential action(s) that can feasibly achieve the performance standard(s) to be considered, analyzed, and potentially incorporated in the mitigation measure (CEQA Guidelines, § 15126.4).

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

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

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

- Is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- Is listed under the federal Endangered Species Act, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- Is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could

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- qualify the species for State threatened or endangered status; and/or,  
• Has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2025a).

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

**Recommended Potentially Feasible Mitigation Measure(s):**

To adequately reduce potential impacts to avian and special-status wildlife species, ensure consistency with CEQA Guidelines Sections 15065, 15380, and 15126.4, and provide sufficient avoidance, minimization, and mitigation measures to support potential ITP issuance, CDFW recommends the following revision and analysis:

**Recommendation #5: CEQA Analysis.** CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project for CDFW to fully evaluate take and adequately identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an ITP.

**Recommendation #6 Mitigation Measure M-BI-5:** Revisions to Avian Breeding and Special-status Wildlife Impact Avoidance. CDFW recommends that M-BI-5(2) and M-BI-5(4) be revised to incorporate the underlined language and omit the language in strikethrough:

**M-BI-5(2) Special-Status Species Preconstruction Surveys and Relocation Plan.** Prior to construction, the Applicant shall develop preconstruction surveys for special-status terrestrial reptiles (e.g., Southern California legless lizard, coast horned lizard, California glossy snake, red-diamond rattlesnake, rosy boa, and San Diego ringneck snake), small terrestrial mammals (i.e., San Diego black-tailed jackrabbit, Dulzura pocket mouse, northwestern San Diego pocket mouse, pallid San Diego pocket mouse, and southern grasshopper mouse), bats (i.e., pallid bat, greater western mastiff bat, western red bat, small-footed myotis, long-eared myotis), and mule deer, mountain lion, and ringtail documented on-site or with high

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potential to occur on-site. The Quino checkerspot butterfly (CESA candidate, low potential to occur) is included in this survey list.

The plan shall at minimum include the timing and locations where surveys should be conducted; if and species are confirmed, provide the habitat and conditions in the proposed relocation site(s); the methods that would be used for trapping and relocating the individual species; and the method for documenting/recording the species and number of animals relocated. The plan shall be submitted to the County and CDFW by a qualified biologist prior to any ground-disturbing activities within potentially occupied habitat.

**Preconstruction Surveys:** No more than 3 days prior to construction, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife documented on-site (i.e., Cooper's hawk, sharp-shinned hawk, Bell's sage sparrow, turkey vulture, Southern California legless lizard, coast horned lizard, San Diego black-tailed jackrabbit, San Diego desert woodrat, coastal whiptail, California horned lark, western bluebird, mule deer, and mountain lion) as well as those with high potential to occur (i.e., southern California rufous-crowned sparrow, golden eagle, long-eared owl, red-shouldered hawk, northern harrier, white-tailed kite, prairie falcon, loggerhead shrike, Lewis' woodpecker, California glossy snake, red-diamond rattlesnake, pallid bat, Dulzura pocket mouse, northwestern San Diego pocket mouse, pallid San Diego pocket mouse, greater western mastiff bat, southern grasshopper mouse, mountain quail, rosy boa, San Diego ringneck snake, ringtail, western red bat, small-footed myotis, long-eared myotis, and monarch butterfly). The qualified biologist shall look for special-status species that may be located within or immediately adjacent to the project work areas, as permitted by access. If determined by the qualified biologist that, based on the construction activities, time of year, and presence/location of special-status wildlife species, relocation of special-status wildlife species is necessary, relocation will occur to nearby undisturbed areas within suitable habitat in the off-site open space easements as specified in the plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved plan). The qualified biologist relocating the species shall possess a California SCP to handle these species if required by applicable CDFW regulations.

A qualified biologist shall be present during initial ground-disturbing activities (i.e., vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation removal and topsoil salvaging and stockpiling, where applicable. If special-status wildlife species are detected in the work area during biological monitoring, the individual(s) will be documented and relocated as per the approved Plan and in accordance with the SCP conditions as applicable. Survey results, including negative findings, shall be submitted to CDFW prior to implementing ground-disturbing activities.

**Documentation:** The qualified biologist Project Biologist shall prepare the final

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survey report and relocation plan and submit it to the PDS County Planning and Development Services (PDS) and CDFW for review and approval.

**Timing:** Surveys shall be conducted prior to any clearing, grubbing, trenching, grading, or any land disturbances. Prior to final grading release, or use of the premises in reliance of this permit for each phase, the final survey report and Relocation Plan shall be approved.

**Monitoring:** The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the Applicant that the requirement is complete, and the bond amount can be relinquished.

**M-BI-5(4) Crotch's bumble bee Habitat Assessment and Surveys.** This mitigation measure shall only be required if Crotch's bumble bee remains as a candidate state endangered species or is listed as a state endangered species at the time of project construction.

**Habitat assessment:** If not previously completed, or if surveys are no longer valid for any reason, a qualified biologist with demonstrated experience with Crotch's bumblebee will conduct a desktop habitat assessment to determine the presence of suitable habitat for Crotch's bumble bee within the project site. This assessment will evaluate historical and current species distribution, proximity to the last known sighting, and potential foraging (including native and nonnative), nesting, and overwintering resources. Field verification surveys by a qualified biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, will be conducted during the floral blooming period, typically April through August, and will include an in-person project site observation, quantification of blooming vegetation (e.g., percent cover or a scale), and an assessment of plant diversity.

**Documentation:** The qualified biologist ~~Project Biologist~~ shall prepare the final habitat assessment report and submit it to the CDFW for review and approval for each phase.

**Focused Surveys.** If the habitat assessment and field verification survey indicate a high likelihood for take of the species, occupancy will be assumed, or a proposed survey protocol will be submitted to the Wildlife Agencies for review. If surveys are proposed, A qualified biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall design a survey methodology ~~will be designed~~ that is project- and site-specific, including the qualifications of the qualified biologist conducting the surveys. The survey methodology will follow the general guidelines and best practices outlined in CDFW's "Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species" (June 6, 2023) during the appropriate flying season. If surveys are conducted and occupied

A6-6  
(cont'd)

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Crotch's bumble bee habitat within or bordering the project site is documented, or if Crotch's bumble bee is assumed to be present based on the habitat assessment, preconstruction surveys of such habitat for active bee nest colonies shall be required no more than 5 days prior to any ground disturbance activities that occur between February 15 through ~~August 31~~ September 15. The qualified biologist ~~Project Biologist~~ will establish, monitor, and maintain a no-work buffer around any active nest colonies identified during surveys. Survey results, including negative findings, shall be submitted to CDFW prior to implementing ground-disturbing activities.

The size and configuration of the no-work buffer will be based on the best professional judgment of the qualified biologist ~~Project Biologist~~ in consultation with CDFW. The buffer should provide at least 50 feet of clearance around nest entrances. Construction activities should not occur within the no-work buffers until the colony is no longer active. To determine that a nest is no longer active, the nest will be observed for a minimum of 60 minutes each day across multiple days (three days minimum) during suitable flight weather (i.e., ambient air temperature between 60- and 90- degrees Fahrenheit, winds under 10 mph, and no precipitation heavier than a drizzling rain). If no bees are seen flying in or out of the nest it will be determined that the next season's queens have dispersed from the colony and the nest is no longer active.

If Crotch's bumble bee is found on-site during habitat assessments or protocol surveys, the project proponent shall:

- i. Notify CDFW of the species' presence within 48 hours and consult with the CDFW to determine whether the project needs to obtain an incidental take permit, and adhere to the following minimum conditions:
- ii. Implement Immediate Avoidance and Minimization Measures:
  1. A qualified biologist shall conduct ~~Conduct~~ a nest search within suitable habitat areas identified during surveys
  2. Establish and clearly mark no-work buffer zones of at least 50 feet around active nest colonies if found
  3. Avoid all ground-disturbing activities within these buffer zones during the colony active bee season (February 15 through August 31 ~~September 15~~)
- iii. Have a qualified Crotch's bumble bee monitor present during initial ground disturbance and vegetation clearance. Compensatory mitigation for permanent direct impacts to suitable Crotch's bumble bee habitat shall be offset through compensatory mitigation, which may include, but is not necessarily limited to, on-site or off-site habitat preservation,

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enhancement, restoration, and/or creation at a ratio of no less than 1:1. If an incidental take permit covering Crotch's bumble bee is issued for the project, the measures and mitigation ratios specified in that permit shall take precedence over those outlined in this report.

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#### **Comment #5: Impacts of Light-Emitting Diode (LED) Lights**

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

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

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

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**Evidence impacts would be significant:** CDFW considers adverse impacts to wildlife and wildlife movement, for the purposes of CEQA, to be significant without mitigation or consideration of additional project design features. CDFW recommends that the DEIR specify mitigation that is proportionate to the level of impacts, consistent with CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355).

#### **Recommended Potentially Feasible Mitigation Measure(s):**

To minimize the potential adverse effects of artificial lighting on wildlife movement, reproduction, and habitat connectivity, and to ensure that mitigation measures are enforceable and consistent with CEQA Guidelines (reduce potential impacts of artificial lighting on wildlife and ensure consistency with CEQA Guidelines (§§ 15126.4(a)(4)(B), 15064, 15065), CDFW recommends the following measures:

**Recommendation #7: Additional Minimization Measure.** CDFW recommends that the final environmental document include a Lighting Plan. The Lighting Plan should evaluate lighting impacts on wildlife and other biological resources during both construction and operation. Methods to minimize adverse effects of artificial lighting may include using motion-activated fixtures outside, limiting fixtures to the lowest lumen

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necessary lumen, using full-shield fixtures (i.e., full cutoff so that no light is emitted above the 90-degree horizontal plane), directing light downward, and orienting lights toward the interior of the sites. These methods will minimize the light source from impacting wildlife species utilizing wildlife corridors between each fenced solar array area of the Project.

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

### **Mitigation and Monitoring Reporting Plan**

CDFW recommends the County adopt the mitigation measures and recommendations in this letter into the DEIR. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the County in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code, section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1).

### **Environmental Data**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database (CNDDDB)) which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, sub. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The [CNDDDB field survey form](#) can be filled out and submitted online (CDFW 2025b). Please visit CDFW online to access [the types of information reported to CNDDDB](#). Information on special status native plant populations and sensitive natural communities and the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2025c).

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**Filing Fees**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

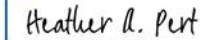
**Conclusion**

CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources. To ensure significant impacts are adequately mitigated to a level less-than-significant, the feasible mitigation measures described above should be incorporated as enforceable conditions in the DEIR for the Project. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be directed to Mary Ngo, Senior Environmental Scientist (Specialist), at [Mary.Ngo@wildlife.ca.gov](mailto:Mary.Ngo@wildlife.ca.gov) or (562) 477-0743 to schedule a meeting with CDFW.

Sincerely,

DocuSigned by:



DF423498814B441  
Heather A. Pert

Environmental Program Manager  
South Coast Region

**Attachments**

Attachment 1: Mitigation and Monitoring Reporting Plan

ec: California Department of Fish and Wildlife  
Baron Barrera, Senior Environmental Scientist (Supervisory)  
Felicia Silva, Senior Environmental Scientist (Specialist)  
Cindy Hailey, Staff Services Analyst  
CEQA Program Coordinator – Sacramento

Office of Land Use and Climate Innovation  
State Clearinghouse – [State.Clearinghouse@lci.ca.gov](mailto:State.Clearinghouse@lci.ca.gov)

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Attachment 1: Mitigation and Monitoring Reporting Plan	Timing	Responsible Party
<p><b>Mitigation Measure #1:</b> <u>Compensatory Mitigation</u>. To compensate for Project impacts on high value conservation habitats (granitic northern mixed chaparral and granitic chamise chaparral), the County shall provide offsite mitigation for 437.75 acres of granitic northern mixed chaparral and 129 acres of granitic chamise chaparral. These communities are considered sensitive and declining at a regional level, and compensatory mitigation at these acreages is necessary to fully offset adverse impacts, maintain ecological functions, and reduce potential impacts to less-than-significant level under CEQA.</p>	<p>Prior to finalizing CEQA document; and, Prior to construction</p>	<p>Lead Agency; and, Project Proponent</p>
<p><b>Recommendation #1:</b> <u>Contingency Plan in Mitigation Measure M-BI-4</u>. CDFW recommends that the final environmental document and the Resource Management Plan include detailed contingency measures to address ongoing unauthorized access through the Project site, and any resulting significant disturbance or damage to the area. These contingency measures are necessary to ensure compliance with CEQA Guidelines Sections 15065 and 15126.4, which require feasible mitigation for significant impacts to sensitive habitats. Contingency measures may include the identification and conservation of additional mitigation areas of high biological value, located away from the USA-Mexico border. Areas subject to routine or ongoing Border Patrol activity that could compromise habitat quality or accessibility should not be counted towards the Project's required mitigation acreage. Only areas capable of providing long-term, effective conservation should be credited.</p>	<p>Prior to finalizing CEQA document; and, Prior to construction</p>	<p>Lead Agency; and, Project Proponent</p>
<p><b>Recommendation #2:</b> <u>Contingency Funding in Mitigation Measure M-BI-4</u>. CDFW recommends that the Resource Management Plan include a 10 percent contingency added to the non-wasting endowment calculation. This contingency funding is intended to offset unanticipated expenditures, inflation, catastrophic events, and/or unauthorized damage, and supports implementation of mitigation measures consistent with CEQA Section 15126.4.</p>	<p>Prior to finalizing CEQA document; and, Prior to construction</p>	<p>Lead Agency; and, Project Proponent</p>
<p><b>Recommendation #3:</b> <u>Conservation Easement</u>. CDFW recommends that all mitigation areas associated with the Project be permanently protected under a conservation easement. The conservation easement should be recorded prior</p>	<p>Prior to finalizing CEQA document;</p>	<p>Lead Agency; and,</p>

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<p>to or concurrently with mitigation implementation to ensure long-term protection of biological resources, maintain ecological function, and prevent unauthorized disturbance.</p>	<p>Prior to construction</p>	<p>Project Proponent</p>
<p><b>Recommendation #4: <u>Additional Minimization Measure</u>.</b> CDFW recommends the Project proponent consider an alternative construction method instead of the traditional “blade and grade” method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact (“drive and crush”). Leaving vegetation crushed with the “drive and crush” method, leaves roots intact and allows special-status plant species and other vegetation to more successfully regenerate. This alternative construction method can create an opportunity for vegetation to be left between panel rows and ameliorate some habitat effects (Karban et al. 2024).</p>	<p>Prior to finalizing CEQA document;                   Prior to construction;                  and,                   Prior to decommissioning</p>	<p>Lead Agency;                  and,                  Project Proponent</p>
<p><b>Recommendation #5: <u>CEQA Analysis</u>.</b> CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project for CDFW to fully evaluate take and adequately identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project’s CEQA document should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an ITP.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Recommendation #6 Mitigation Measure M-BI-5:</b> Revisions to <u>Avian Breeding and Special-status Wildlife Impact Avoidance</u>. CDFW recommends that M-BI-5(2) and M-BI-5(4) be revised to incorporate the underlined language and omit the language in strikethrough:</p> <p><b>M-BI-5(2) Special-Status Species Preconstruction Surveys and Relocation Plan.</b> Prior to construction, the Applicant shall develop preconstruction surveys for special-status terrestrial reptiles (e.g., Southern California legless lizard, coast horned lizard, California glossy snake, red-diamond rattlesnake, rosy boa,</p>	<p>Prior to finalizing CEQA document; and,                   Prior to construction</p>	<p>Lead Agency;                  and,                  Project Proponent</p>

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and San Diego ringneck snake), small terrestrial mammals (i.e., San Diego black-tailed jackrabbit, Dulzura pocket mouse, northwestern San Diego pocket mouse, pallid San Diego pocket mouse, and southern grasshopper mouse), bats (i.e., pallid bat, greater western mastiff bat, western red bat, small-footed myotis, long-eared myotis), and mule deer, mountain lion, and ringtail documented on-site or with high potential to occur on-site. The Quino checkerspot butterfly (CESA candidate, low potential to occur) is included in this survey list.

The plan shall at minimum include the timing and locations where surveys should be conducted; if and species are confirmed, provide the habitat and conditions in the proposed relocation site(s); the methods that would be used for trapping and relocating the individual species; and the method for documenting/recording the species and number of animals relocated. The plan shall be submitted to the County and CDFW by a qualified biologist prior to any ground-disturbing activities within potentially occupied habitat.

**Preconstruction Surveys:** No more than 3 days prior to construction, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife documented on-site (i.e., Cooper's hawk, sharp-shinned hawk, Bell's sage sparrow, turkey vulture, Southern California legless lizard, coast horned lizard, San Diego black-tailed jackrabbit, San Diego desert woodrat, coastal whiptail, California horned lark, western bluebird, mule deer, and mountain lion) as well as those with high potential to occur (i.e., southern California rufous-crowned sparrow, golden eagle, long-eared owl, red-shouldered hawk, northern harrier, white-tailed kite, prairie falcon, loggerhead shrike, Lewis' woodpecker, California glossy snake, red-diamond rattlesnake, pallid bat, Dulzura pocket mouse, northwestern San Diego pocket mouse, pallid San Diego pocket mouse, greater western mastiff bat, southern grasshopper mouse, mountain quail, rosy boa, San Diego ringneck snake, ringtail, western red bat, small-footed myotis, long-eared myotis, and monarch butterfly). The qualified biologist shall look for special-status species that may be located within or immediately adjacent to the project work areas, as permitted by access. If determined by the qualified biologist that, based on the construction activities, time of year, and presence/location of

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<p>special-status wildlife species, relocation of special-status wildlife species is necessary, relocation will occur to nearby undisturbed areas within suitable habitat in the off-site open space easements as specified in the plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved plan). The <u>qualified biologist</u> relocating the species shall possess a California SCP to handle these species if required by applicable CDFW regulations.</p> <p>A qualified biologist shall be present during initial ground-disturbing activities (i.e., vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation removal and topsoil salvaging and stockpiling, where applicable. If special-status wildlife species are detected in the work area during biological monitoring, the individual(s) will be documented and relocated as per the approved Plan and in accordance with the SCP conditions as applicable. <u>Survey results, including negative findings, shall be submitted to CDFW prior to implementing ground-disturbing activities.</u></p> <p><b>Documentation:</b> The <u>qualified biologist</u> <del>Project Biologist</del> shall prepare the final survey report and relocation plan and submit it to the <del>PDS</del> <u>County Planning and Development Services (PDS)</u> and CDFW for review and approval.</p> <p><b>Timing:</b> Surveys shall be conducted prior to any clearing, grubbing, trenching, grading, or any land disturbances. Prior to final grading release, or use of the premises in reliance of this permit for each phase, the final survey report and Relocation Plan shall be approved.</p> <p><b>Monitoring:</b> The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the Applicant that the requirement is complete, and the bond amount can be relinquished.</p> <p><b>M-BI-5(4) Crotch's bumble bee Habitat Assessment and Surveys.</b> This mitigation measure shall only be required if Crotch's bumble bee remains as a</p>		
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<p>candidate state endangered species or is listed as a state endangered species at the time of project construction.</p> <p><b>Habitat assessment:</b> If not previously completed, or if surveys are no longer valid for any reason, a <u>qualified</u> biologist with demonstrated experience with Crotch's bumblebee will conduct a desktop habitat assessment to determine the presence of suitable habitat for Crotch's bumble bee within the project site. This assessment will evaluate historical and current species distribution, proximity to the last known sighting, and potential foraging (including native and nonnative), nesting, and overwintering resources. Field verification surveys <u>by a qualified biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee,</u> will be conducted during the floral blooming period, typically April through August, and will include an in-person project site observation, quantification of blooming vegetation (e.g., percent cover or a scale), and an assessment of plant diversity.</p> <p><b>Documentation:</b> The <u>qualified biologist</u> <del>Project Biologist</del> shall prepare the final habitat assessment report and submit it to the CDFW for review and approval for each phase.</p> <p><b>Focused Surveys.</b> If the habitat assessment and field verification survey indicate a high likelihood for take of the species, occupancy will be assumed, or a proposed survey protocol will be submitted to the Wildlife Agencies for review. If surveys are proposed, <u>A qualified biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall design a survey methodology</u> <del>will be designed</del> that is project- and site-specific, including the qualifications of the <u>qualified</u> biologist conducting the surveys. The survey methodology will follow the general guidelines and best practices outlined in CDFW's "Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species" (June 6, 2023) <u>during the appropriate flying season</u>. If surveys are conducted and occupied Crotch's bumble bee habitat within or bordering the project site is documented, or if Crotch's bumble bee is assumed to be present based on the habitat assessment, preconstruction surveys of such habitat for active bee nest colonies shall be required no more than 5 days prior to any ground disturbance activities that occur between</p>		
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February 15 through ~~August 31~~ September 15. The qualified biologist ~~Project Biologist~~ will establish, monitor, and maintain a no-work buffer around any active nest colonies identified during surveys. Survey results, including negative findings, shall be submitted to CDFW prior to implementing ground-disturbing activities.

The size and configuration of the no-work buffer will be based on the best professional judgment of the qualified biologist ~~Project Biologist~~ in consultation with CDFW. The buffer should provide at least 50 feet of clearance around nest entrances. Construction activities should not occur within the no-work buffers until the colony is no longer active. To determine that a nest is no longer active, the nest will be observed for a minimum of 60 minutes each day across multiple days (three days minimum) during suitable flight weather (i.e., ambient air temperature between 60- and 90- degrees Fahrenheit, winds under 10 mph, and no precipitation heavier than a drizzling rain). If no bees are seen flying in or out of the nest it will be determined that the next season's queens have dispersed from the colony and the nest is no longer active.

If Crotch's bumble bee is found on-site during habitat assessments or protocol surveys, the project proponent shall:

- iv. Notify CDFW of the species' presence within 48 hours and consult with the CDFW to determine whether the project needs to obtain an incidental take permit, and adhere to the following minimum conditions:
- v. Implement Immediate Avoidance and Minimization Measures:
  - 4. A qualified biologist shall conduct ~~Conduct~~ a nest search within suitable habitat areas identified during surveys
  - 5. Establish and clearly mark no-work buffer zones of at least 50 feet around active nest colonies if found

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<p>6. Avoid all ground-disturbing activities within these buffer zones during the <u>colony</u> active bee season (February 15 through <u>August 31</u> <del>September 15</del>)</p> <p>vi. Have a <u>qualified Crotch's bumble bee</u> monitor present during initial ground disturbance and vegetation clearance. Compensatory mitigation for permanent direct impacts to suitable Crotch's bumble bee habitat shall be offset through compensatory mitigation, which may include, but is not necessarily limited to, on-site or off-site habitat preservation, enhancement, restoration, and/or creation at a ratio of no less than 1:1. If an incidental take permit covering Crotch's bumble bee is issued for the project, the measures and mitigation ratios specified in that permit shall take precedence over those outlined in this report.</p>		
<p><b>Recommendation #7: <u>Additional Minimization Measure.</u></b> CDFW recommends the final environmental document include a Lighting Plan. The Lighting Plan should evaluate lighting impacts on wildlife species and biological resources during construction and operational phases. Methods for minimizing adverse effects of artificial lighting may include having all outdoor lighting fixtures be motion activated, be of the lowest lumen necessary, be back-side shielded, be directed downward, and positioned to only the interior of the sites. These methods will minimize the light source from impacting wildlife species utilizing wildlife corridors between each fenced solar array area of the Project.</p> <p>Where feasible, use of long-wavelength lighting (e.g., red or amber LEDs) is also encouraged, provided they are true monochromatic or narrow spectrum sources (i.e., minimal emissions below 560 nm). Long-wavelength red/amber light is less disruptive to many nocturnal species than white or blue-rich light. Together these measures will further reduce impacts on wildlife moving through corridors between fenced solar arrays by minimizing light trespass and glare.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>



### 8.2.3.6 **Response to Comment Letter A6 from CDFW, South Coast Region (dated September 26, 2025 [late])**

Comment No.	Response
A6-1	<p>This comment introduces the comment letter from the CDFW South Coast Region. Responses to the specific comments in the letter are provided below.</p>
A6-2	<p>The commenter thanks the County for including CDFW in review of the Draft EIR for the proposed project and provides a summary of the proposed project and CDFW's role as a responsible agency.</p> <p>A copy of this comment letter will be included in the Final EIR, which will be provided to the County Board of Supervisors for review when the project is considered for approval. It is noted that all comment letters submitted in response to the Draft EIR and within the public review period, and responses to the comment letters, are included in the administrative record for the project. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A6-3	<p>The commenter states that the project may adversely impact two sensitive upland habitats, granitic northern mixed chaparral and granitic chamise chaparral, and recommends off-site mitigation for 437.75 acres of granitic northern mixed chaparral and 129 acres of granitic chamise chaparral to offset the project's impacts. The commenter asserts that the Draft EIR did not consider the project's location within the East County Multiple Species Conservation Program (East County MSCP) Focused Conservation Area or its high habitat value when determining the 0.5:1 mitigation ratio.</p> <p>The County appreciates the importance of mitigating potentially significant environmental effects associated with impacts to biological resources. The project's proposed biological open space easement and the project site are both situated within the Upper Carrizo Creek Watershed across similar topography, elevational range and vegetation communities. The project's proposed mitigation ratios are consistent with the requirements of the East County MSCP and were approved by County and CDFW biologists (County of San Diego 2008). As stated in Draft EIR Section 2.2, Biological Resources, and in the commenter's letter, the East County MSCP is still in process and has not been adopted. The Interim Review Process guides the process to ensure projects in planning before East County MSCP completion adhere to preserve design principles, including on-site open space of equal or higher conservation value compared to that being impacted, as well as maintaining habitat connectivity (County of San Diego 2021). Since the project is not regulated under the County's Biological Mitigation Ordinance (BMO), which applies only to land within the East County MSCP Boundary Map, the mitigation ratios in the BMO do not apply (BMO Section 86.502).</p> <p>As discussed in Section 2.2, Biological Resources, the project would include a 448-acre mitigation area which would reduce impacts to biological resources, including granitic northern mixed chaparral and granitic chamise chaparral, to less than significant. The County finds the open space easement implemented by M-BI-3 to be sufficient to address impacts to chaparral vegetation communities. As provided in State CEQA Guidelines Section 15126.4(a)(3), CEQA does not require the adoption of additional mitigation measures for impacts already mitigated to a level that is less than significant. As such, potential impacts related to biological resources have been adequately assessed in the Draft EIR and no revisions to the Draft EIR are required.</p>
A6-4	<p>The commenter states that the proposed off-site mitigation may not be sufficiently protected due to impacts associated with the United States Border Patrol (Border Patrol) activities along the U.S.-Mexico border and provides recommendations to ensure permanent protection of the off-site mitigation parcels. Specifically, the commenter recommends that the Resource Management Plan (RMP) include measures to address unauthorized access through the project site and resulting damage or disturbance and that areas disturbed by Border Patrol activity should not be counted toward mitigation acreage. The commenter also recommends that contingency funding provision be included in the RMP and that the mitigation area be protected under a recorded conservation easement.</p> <p>The County appreciates the commenter's concern related to impacts caused by the Border Patrol on off-site mitigation parcels. The County understands that Border Patrol activities pose a risk to meeting the objectives in the conceptual RMP. Thus, the final RMP will include measures to reduce the risk of Border Patrol impacts, such as:</p> <ul style="list-style-type: none"> <li>• Coordination with Border Patrol prior to implementation of the Final RMP to address unauthorized access</li> <li>• Provision of Environmental Training materials for Border Patrol agents to address the importance of minimizing damage and disturbance in the project site</li> <li>• Installation of signage and fencing to direct Border Patrol through the mitigation site along preferred routes that will not impact special-status resources</li> <li>• Provision for compensation agreements with the Department of Homeland Security, as they are liable for impacts and subject to fines on private land regardless of their right to patrol private lands</li> </ul>

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	<ul style="list-style-type: none"> <li>• As needed, installation of protective repellants such as reflectors or boulders to slow down or prevent Border Patrol access to certain areas</li> <li>• If grading is needed, provision for coarse-grading unsuitable for vehicular access</li> </ul> <p>This strategy relieves the County from facing penalties for missing timelines outlined in the RMP due to Border Patrol impacts unrelated to the proposed project. This approach grants Border Patrol guided site access and holds them liable to mitigate for damages incurred. Further, this approach recognizes Border Patrol as a stakeholder and educates Border Patrol as to potential environmental impacts on private property. The final RMP will include a contingency line item that may be used to fund necessary measures.</p> <p>Regarding the commenter’s assertion that due to impacts to the off-site mitigation area caused by Border Patrol, that land should not be counted as mitigation acreage, CEQA requires that “an EIR shall identify and focus on the significant effects of the <u>proposed project</u> on the environment” (14 California Code of Regulations [CCR] Section 15126.2(a)) (emphasis added). Additionally, CEQA requires that the “public agency shall mitigate or avoid the significant effects on the environment of <u>projects that it carries out or approves</u> whenever it is feasible to do so” (Public Resources Code [PRC] Section 21002.1(b)) (emphasis added). Therefore, the County disagrees with the assertion that the applicant must provide mitigation for environmental impacts caused by Border Patrol, which are unrelated to the proposed project, by providing additional mitigation acreage for areas that may be disturbed in the future. Additionally, CEQA defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (14 CCR Section 15364). Even if CEQA required mitigation for impacts unrelated to the project, which it does not, it would not be feasible to predict or determine the extent of impacts to biological resources in the off-site mitigation area that may be caused by future and “unforeseen” Border Patrol activity.</p> <p>As discussed in the Biological Resources Report (Appendix D to the Draft EIR), the proposed biological mitigation area would be protected under a recorded conservation easement. However, a recorded conservation easement would not necessarily avoid or substantially lessen environmental impacts associated with Border Patrol activity because Border Patrol activities are not subject to State conservation easement restrictions. Federal regulations authorize Border Patrol agents to patrol the border in accordance with Section 287(a)(3) of the federal Immigration and Nationality Act. The Supremacy Clause of the U.S. Constitution specifies that federal law shall be the “supreme law of the land” and take precedence over conflicting state laws. (U.S. Const. art. VI, cl. 2) Therefore, the County finds that the proposed risk reduction measures in the Final RMP, as outlined above, are sufficient to address potential impacts caused by Border Patrol in the off-site mitigation area. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A6-5	<p>The commenter states that the project may adversely impact special-status and rare plant species during implementation and decommissioning activities and provides recommendations to reduce impacts. Specifically, the commenter recommends implementing “drive and crush” instead of the traditional “blade and grade” construction grading method.</p> <p>The County appreciates the commenter’s concern regarding impacts to biological resources. However, CEQA does not require the adoption of mitigation measures that are not feasible (State CEQA Guidelines Section 15091(a)(3)). CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (State CEQA Guidelines Section 15364). Here, legal factors prevent the implementation of “drive and crush” grading. The County of San Diego’s Fire Code requires vegetation within solar arrays to be maintained at a maximum height of six (6) inches and in a non-combustible condition. This standard applies to all solar/battery facilities within the County’s high fire hazard zones. While the “drive and crush” approach has worked in desert environments with sparse fuels and lower ignition risk, it is not compatible with San Diego County’s fire conditions and vegetation management requirements. Therefore, the County determines that the drive and crush grading method is infeasible for the project. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A6-6	<p>The commenter states that the project may impact a wide range of species including avian and sensitive species protected under the California Endangered Species Act (CESA) or designated as a Species of Special Concern (SSC) and recommends revisions to the project’s biological mitigation measures. The commenter also recommends pursuing issuance of an Incidental Take Permit (ITP) from CDFW.</p> <p>CDWF SSCs do not receive direct statutory protection under the CESA or any other applicable law. However, the County acknowledges and includes mitigation measures to protect SSC known to occur within the project area in accordance with CEQA. Specifically, as provided in Section 2.2, Biological Resources, of the Draft EIR, the following mitigation measures would be implemented: M-BI-1 (Biological Monitoring), M-BI-2 (Temporary Construction Fencing), M-BI-3 (Habitat Preservation), M-BI-4 (Resource Management Plan), M-BI-5 (Avian Breeding and Special-status Wildlife Impact Avoidance), M-BI-12 (Wildlife Corridor), and M-BI-13 (Special-status Plants). Implementation of these mitigation measures would reduce impacts to SSC to less than significant.</p> <p>Additionally, as discussed in the Biological Resources Report (Appendix D to the Draft EIR) for the Starlight Solar Project, the project site currently allows for unrestricted wildlife movement and does not qualify as a</p>

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	<p>corridor but is broadly modeled as occurring within an “Essential Connectivity Area,” of which the project would occupy approximately 2%. Existing dirt roads on and adjacent to the project site already divide the habitat into smaller blocks and serve as part of a network of wildlife movement paths. The proposed project would be located in discontinuous areas with relatively undisturbed habitat that would allow for wildlife passage between the developed areas given the lack of fencing along the access roads.</p> <p>As such, the Draft EIR and the Biological Resources Report have sufficiently analyzed potential impacts to SSC that satisfy County requirements. Measures to reduce impacts to SSC are included as mitigation, such as biological monitoring and breeding season avoidance. Since take of SSC is not prohibited under CESA, the project proponent will not seek ITPs for SSC but will instead implement the mitigation measures as defined in the environmental documentation for the project. There are no known CESA-protected species subject to impact in the project area, therefore no ITP is needed. As provided in California PRC Section 21002, CEQA does not require additional mitigation for impacts that are already mitigated to a level that is less than significant. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A6-7	<p>The commenter states that the installation of LED lights at the project site may impact a wide range of wildlife species.</p> <p>The County appreciates the commenter’s concern regarding impacts associated with lighting. Lighting would be installed at the gated entrances around the perimeter of the project site, as well as at the storage building and control enclosures, and would consist of motion-activated low-pressure sodium bulbs. As discussed throughout the EIR, the lighting would be required to comply with the San Diego County Light Pollution Code, also known as the Dark Sky Ordinance. As stated in Chapter 1.0, Project Description, Location, and Environmental Setting, of the Draft EIR:</p> <p style="padding-left: 40px;">All lighting would have bulbs that do not exceed 100 watts or equivalent, and all lights would be shielded, directed downward, and would comply with the County Light Pollution Code (County Code Sections 51.201–51.209), also known as the Dark Sky Ordinance. Outdoor lighting circuits would incorporate dusk-to-dawn photocell controllers, occupancy sensors, and/or switches as appropriate. Additionally, lighting for the project would be designed in accordance with the County Zoning Ordinance, Sections 6320, 6322, and 6324, which guide performance standards for glare, and controls excessive or unnecessary outdoor light emissions (County of San Diego 2012).</p> <p>As concluded in Section 2.1, Aesthetics, the proposed project would not result in any significant impacts related to lighting or glare. Additionally, as stated in the Biological Resources Report (Appendix D to the Draft EIR):</p> <p style="padding-left: 40px;">Low-level shielded LED lights would be installed at all site access driveway entrances, inverters, substation, and BESS facilities. These lights would only be used if motion is detected. No other lighting is proposed within the solar facility. All lighting would have bulbs that do not exceed 100 watts or equivalent, and all lights would be shielded, directed downward, and would comply with the County of San Diego Light Pollution Code, also known as the Dark Sky Ordinance, Section 51.201 et seq. Additionally, project lighting would be designed in accordance with the San Diego County Zoning Ordinance, Performance Standards Section 6320, 6322, and 6324, which guide performance standards for glare, and controls excessive or unnecessary outdoor light emissions.</p> <p>By adhering to the lighting requirements in the County Zoning Code, the lighting included in the proposed project would not result in impacts to wildlife species or habitat. CEQA does not require mitigation for impacts that are less than significant (State CEQA Guidelines Section 15126.4(a)(3)). No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
A6-8	<p>This comment summarizes CDFW’s recommendations and concludes the letter.</p> <p>See Responses A6-2 through A6-7 above in response to CDFW’s recommendation on the proposed project. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>