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DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Nicholas Koutoufidis
County of San Diego Planning & Development Services
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San Diego, CA 92123
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Subject: Comments on the Mitigated Negative Declaration for the AES Fallbrook 40 MW Battery Energy Storage System Project SCH# 2019129024

Dear Mr. Koutoufidis:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the AES Fallbrook 40 MW Battery Energy Storage System Project (Project).

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, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Department Role

The Department is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386, subd. (a).) The Department, 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, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

The Department is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.)

Project Location: The AES Fallbrook 40 MW Battery Energy Storage System (BESS) Project is to the south of East Mission Road, east of Industrial Way, and west of Mercedes Road, within the northeastern portion of the unincorporated community of Fallbrook, in the northwestern portion of the County.

Project Description: The Project proposed by the Audio Engineering Society (AES) Corporation would help San Diego Gas and Electric (SDG&E) meet their energy storage

mandate by deploying an energy storage system at the proposed Project site. Project activities include installation of BESS infrastructure. Off-site improvements associated with the project are road improvements installation of infiltration basins, and approximately 30 feet of utility undergrounding. While largely consisting of inactive agricultural lands, the site also supports single-family residences. The Project site includes seven vegetation communities: Southern Riparian Scrub; Coast Live Oak Woodland (County Resource Protection Ordinance [RPO] Associated); Coast Live Oak (Upland); Eucalyptus Woodland; Disturbed Habitat; Urban/Developed Land; and Agricultural Land. Most of the project site is Disturbed Habitat (14 acre), followed by Urban/Developed Land (6 acre), and Agricultural Land (3 acre). Eucalyptus Woodland occupies 1 acre, and the remaining vegetation communities, Coast Live Oak (Upland and RPO Associated) and Southern Riparian Scrub, occupy less than 1 acre each.

COMMENTS AND RECOMMENDATIONS

The Department offers the following recommendation to assist the County in adequately avoiding, minimizing, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The Department recommends that the MND include the mitigation measures described on pages 12-13 of the Biological Resources Letter Report, with respect to the potential impacts to Coast Live Oak (RPO Associated and Upland) and Southern Riparian Scrub due to their proximity to riparian habitat within the Project site. The Biological Resources Letter Report dated October 17, 2019 states that the Project proponent will be required to provide evidence that agency permits (ACOE, CDFW, and RWQCB) have been obtained or a letter from those agencies stating that a permit is not necessary if the Project impacts the drainage crossing at the northern boundary of the Project site.

CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist San Diego County in avoiding, minimizing, and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nasseer Idrisi, Senior Environmental Scientist (Specialist) at (858) 467-2720 or Nasseer.Idrisi@wildlife.ca.gov.

Sincerely,



Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento