



November 18, 2025

Board of Supervisors  
 700 H St, Suite 2450  
 Sacramento, CA 95814

Submitted via electronic mail to [BoardClerk@saccounty.gov](mailto:BoardClerk@saccounty.gov)

RE: Coyote Creek Agrivoltaic Ranch Project Final Environmental Impact Report  
 Sacramento County #PLN2021-00191 (SCH 2022010271)

These comments are submitted on behalf of 350 Sacramento, Center for Biological Diversity, California Native Plant Society, California Wildlife Foundation, Central Valley Bird Club, Defenders of Wildlife, Habitat 2020, Sacramento Audubon Society, Sierra Club, Third Act Sacramento, and Sierra Access Coalition on the final environmental impact report (FEIR) for the proposed Coyote Creek Agrivoltaic Ranch Project (Project). Our organizations strongly support renewable energy and SMUD’s zero carbon goals. However, where renewable energy is developed and how zero carbon goals are achieved matter. The proposed Coyote Creek Agrivoltaic Ranch Project site is profoundly inappropriate, and we adamantly oppose this project at this location. We do not take this position lightly, and this is the only utility-scale solar project in the region that our organizations have opposed.

**Action Requested:**

- **DENY CERTIFICATION OF THE FEIR**
- **DENY APPROVAL OF THE COYOTE CREEK AGRIVOLTAIC RANCH PROJECT**

Our comments address the following impact areas in greater detail:

1. Technical inconsistencies within and across the prepared documents produce an ambiguous and unclear project proposal.
2. General Comments on FEIR Responses to DEIR Comments
3. Conflicts with County General Plan policies
4. Habitat and Connective Wildlife Corridor Impacts
5. Impacts to Flora

6. Wildfire Risk Analysis
7. Impacts to Fauna
8. Consistency with Appendix J and L of the South Sacramento Habitat Conservation Plan
9. Permanent Impacts and the future of the proposed site
10. Literature Cited
11. Comment Preparers
12. Addendum: Sacramento Tree Foundation Mitigation Site Visit

## **Technical inconsistencies within and across the prepared documents produce an ambiguous and unclear project proposal.**

The FEIR presents the Reduced Footprint Project as the staff-recommended iteration of the proposed plan. Despite the similarities between the two proposals, County staff recommends the consideration of the Reduced Footprint Project because it would yield similar or reduced impacts in comparison to the original proposed project. The proposed technical changes made to the proposed project are outlined in the Preface of the FEIR, in the Responses to Comments (Chapter 20, FEIR), and in the staff reports prepared for the Sacramento County Planning Commission hearing (October 6, 2025) and the Board of Supervisors hearing (November 18, 2025; BOS). However, these technical changes are not documented consistently throughout the FEIR, nor are the reported changes consistent between the FEIR and staff reports.

The Preface of the FEIR states:

Where changes to the text of the Environmental Impact Report (EIR) were made to reflect revisions to the proposed project or are required as a result of the comments received, those changes are shown with **bold underline for text added** and strikethrough for text deleted within the pertinent chapter(s). (FEIR PF-1)

While some changes were included within the text of the EIR in the format described above, many changes identified in the Preface, Response to Comments, and Findings do not appear within the text of the FEIR. Additionally, the analyses and tables in the FEIR were not updated to reflect the details of the Reduced Footprint Project. The inconsistent revision of technical details in the FEIR text has produced an ambiguous report of the Project's proposed environmental impacts. The FEIR substitutes narrative for analysis and lacks a defensible baseline and resource-specific evaluation. CEQA requires a stable, accurate baseline (Guidelines §15125) and good-faith, reasoned analysis (Guidelines §15151). Inconsistencies between the Preface and the FEIR text, and the implications of these discrepancies, are as follows:

**Tree Removal:** The Preface states that the Reduced Project Footprint would preserve 55 acres that would have been included in the solar development area of the original proposed project. (PF-3) This footprint reduction would reportedly reduce the impact to blue oak forest by 26.2 acres (26 percent), to blue oak woodlands by 18.5 acres (10 percent), to riparian forest by 1.1 acres (26 percent), and to valley and foothill grassland by 9.2 acres (approximately 1 percent).

The Preface further states, “The Reduced Footprint Project would avoid impacting 1,294 individual trees (27 percent) and would reduce the impact to oak canopy cover by 13.25 acres (24 percent).” (PF-3) Although the staff reports reflect the reduced impact to trees, specifying the proposed removal of up to 3,493 trees and a loss of 41.36 acres of oak canopy area, these changes are not reflected in the FEIR text on impacts to trees. Under Tree Removal on page 25 of the FEIR Project Description, it states, “A total of approximately 4,787 trees would be removed from the solar development area to accommodate the solar generating facility and ancillary structures (Dudek 2024). Of these 4,787 trees that are planned to be removed, 4,394 trees are subject to the Sacramento County Tree Preservation Ordinance. This inventory equates to 54.61 acres of tree canopy with oak woodlands, forest, and riparian areas within the solar development area (Dudek 2024).” The FEIR text on Biological Resources, including impact to trees (FEIR, Chapter 6), includes the original number of trees to be removed (up to 4,787 trees, 4,450 of which are protected oaks) and the original acres of oak woodland habitat to be removed (54.61 acres of oak canopy area). (FEIR, 6-91 – 6-92) Additionally, Table BR-5 in the FEIR, which provides the number of trees of each species that would be impacted, has not been updated to clarify if the reductions in trees removed would be oaks, other native species, or non-native species. The FEIR also identifies 4,787 trees to be removed on pages 3-48, 6-110, 14-19, and 17-49.

The FEIR identifies a significant and unavoidable impact when it comes to the temporal loss of the trees to be removed, even with the reduction in total tree removal. However, it is not possible to determine which trees will avoid removal from the information included in the Preface, Project Description, and Chapters 3, 6, 14, and 17 of the FEIR. The age of the trees that are proposed for removal directly impacts the severity of the significance threshold for the temporal loss of these trees. If the 1,294 trees that are avoided for removal (compared to the original proposal) are all large-diameter old growth trees— trees that are likely hundreds of years old if they are oaks— as opposed to young and small-diameter trees, then the severity of the temporal loss will be quite different. Decision makers are being asked to determine if the benefits of this proposed project outweigh the impact of the temporal loss of these trees without knowing which trees are being removed. It is simply not possible to understand the magnitude of the loss without more detailed information and updates to the analyses, tables, and inventories included in the EIR.

**Grading and Blasting:** Page 4 of the Staff Report (BOS) states that the proposed project has reduced the overall “grading cut by 1,117,000 cubic yards, representing a 44-percent grading reduction.” The Preface of the FEIR indicates a 27.9-acre reduction in grading with the reduced footprint (FEIR, PF-3). However, the FEIR provides no information to support that statement. Table PD-5 of both the DEIR and FEIR shows that the proposed project would have 1,461,000 cubic yards of grading. The Staff Report (BOS) and FEIR provide no information on where any reduction of grading would occur or how 1,117,000 cubic yards equates to a 44% reduction from the amount of cut shown in Table PD-5. Furthermore, the Grading Plan (Attachment 7 of the Planning Commission and Board packets) is from 2023 and predates the FEIR. Ambiguous changes to the proposed plan and an outdated grading plan make it impossible to understand

and assess the reduced grading, as well as how this change may affect the severity of the impacts from blasting.

Ambiguity surrounding the proposed impacts of this project makes it difficult for the public and decision-makers to consider and understand the implications of this project, let alone vote on its suitability for the County. Until the technical details of the plan are consistent throughout the text of the FEIR, it is unclear what the FEIR is actually analyzing and what decision-makers are asked to approve.

The discrepancy between the Preface to the FEIR and the FEIR itself needs to be rectified prior to the Board of Supervisors approving the project. It is essential for the FEIR to clearly present what project components the Supervisors are voting on, so there is no question as to what project components would be approved.

## **General Comments on FEIR Responses to DEIR Comments**

### **1. Misleading use of submitted comments**

In Master Response A: Blasting Effects on Groundwater Resources, The Aerojet Plume, Aerojet Monitoring Wells, and Groundwater Dependent Ecosystems, the FEIR references the Luhdorff & Scalmanini Consulting Engineers (LSCE) Hydrology report that was submitted in response to the DEIR. However, the staff quotes the report without context and misrepresents the Hydrology report's interpretation of risks and impacts. Of the original quote, the staff only used the underlined portion below in the FEIR:

While it may be unlikely that any blasting for the Project would result in any substantial changes to groundwater conditions or flow in the vicinity of the Project, blasting in close proximity to existing groundwater wells could cause damage to well structures or result in some changes in the productivity of wells. The locations of any blasting in relation to nearby wells, especially existing monitoring or extraction wells related to the monitoring and mitigation of the groundwater contamination plumes on and adjacent to the Project site, should be considered. The DEIR notes that steps would be taken to coordinate with Aerojet to ensure wells used for the monitoring and mitigation of existing Aerojet contamination plumes are not damaged, however, specifics of how this would occur and any Project design modifications that may be made to ensure this are not described. (FEIR, 20-6)

The FEIR omits the Hydrology report's findings of potential degradation of well structures and well productivity to support the claim that adverse impacts to groundwater from blasting would not occur. By omitting the potential damage that blasting may have on the groundwater wells, the FEIR misrepresents the information provided in the Hydrology report to suggest that multiple analyses, including the applicant's and the commenter's reports, present no reasonable concerns regarding the proposed project's groundwater safety. This use of the LSCE hydrology report is misleading to the public and decision makers and does not communicate the commenter's concern regarding potential groundwater contamination from blasting near wells.

### **2. Limited Alternatives Analysis is justified with a faulty economic analysis**

The EIR attempts to justify why they looked at such a short gen-tie line distance for all considered alternatives:

As discussed on DEIR page 16-8, a key objective of the project is to optimize use of existing electrical infrastructure. Alternative sites within 75 feet of existing Sacramento Municipal Utility District (SMUD) transmission lines were assessed. Yielding few potential sites, the County ultimately expanded its search to properties within 1,000 feet of existing transmission facilities. In response to comments received, the County conducted a review of potential project locations within 1.3 miles of SMUD electrical infrastructure to align with the length of the project's proposed gen-tie line was performed. The results of the expanded search did not change the conclusions of the DEIR regarding off-site alternatives, because as noted in the DEIR, there is a limited supply of land available for utility scale solar projects near SMUD's transmission system, which is limited further since many of these areas are already developed, entitled for development, or subject to ongoing land use planning for residential, commercial, and industrial uses. In addition, expanding the search for properties 1.3 miles from existing SMUD transmission lines introduces multiple properties that would require negotiation and property acquisition and/or establishment of easements in order to facilitate the required gen-tie infrastructure. (FEIR, 20-34-35)

The expansion to 1.3 miles from SMUD transmission lines matches the distance identified for the proposed project. The rationale for seeking short gen-tie distances is financial – shorter lines are less expensive. The basis for rejecting properties within the 1.3-mile distance also appears to have a financial component associated with “negotiation and property acquisition and or establishment of easements.” What is missing from this justification is consideration of how the extraordinary expenses associated with the proposed project site dramatically inflate costs in their own right, like the extensive earthmoving, funds to be paid to the Prairie City SVRA, the cost of acquiring and funding conservation land, and the cost of tree planting. These costs could be completely avoided by choosing a location for the project that was flat, did not impact a State Park, avoided sensitive habitat, and did not kill thousands of oak trees. These savings could be used for the costs of “negotiation and property acquisition and for establishment of easements,” or for affording a much longer gen-tie line. The approach used appears to have focused fully on the costs associated with other alternatives without a reasonable examination of the cost savings of the alternatives compared to the challenging proposed project site with expensive development and mitigation costs. And, even where alternatives were examined that appeared to have potentially higher costs, these costs may well be justified if they are more environmentally friendly. The alternatives analysis is therefore improper.

### **3. Comments on the SMUD interconnection queue indicate growth-inducing impacts and increased costs to other renewable energy projects**

The FEIR dismisses off-site alternatives and also states:

The interconnection queue and study process is complex. For example, when reviewing the SMUD interconnection queue, sites that share a point of interconnection with the location of Coyote Creek assume that the system upgrades identified in Coyote Creek's Large Generation Interconnection Agreement are carried out, including construction of

the new switchyard associated with the proposed project at the Prairie City SVRA (Energy Systems Integration Group 2025, SMUD 2025a). Thus, all projects queued behind Coyote Creek assume the switchyard is constructed for them to interconnect into the grid at the same location. If Coyote Creek were to be removed from the interconnection queue, these projects would need to be re-evaluated, and system upgrades and switchyard construction reassigned to a later queue position, increasing needed system upgrades and project costs. (FEIR, 20-34)

This statement clearly indicates that other, as yet undeveloped, generation projects are predicated on the construction of the switchyard for Coyote Creek. Yet, the scant analysis for growth inducement states, “No new land uses or geographic areas would be served by implementation of the proposed project that would otherwise not receive service without the project... Moreover, the project does not propose any new transportation, water, wastewater, or other infrastructure that could induce or facilitate additional growth.” (FEIR 17-68) The FEIR simultaneously claims that no new land uses would utilize infrastructure built for Coyote Creek, yet dismisses off-site alternatives because they rely on the construction of the Coyote Creek switchyard. The analysis in the FEIR is internally inconsistent and discloses that the proposed project is growth-inducing in terms of other renewables projects, which was not addressed in this EIR. Also, the additional costs borne by projects behind them in the queue may be more than justified if the environmental impacts of the proposed project are avoided.

**4. Consistency analysis does not consider existing plans**

The Appendix A consistency analysis with the Prairie City State Parks Plan cites an outdated 2022 Trails Plan, despite the availability of the adopted 2024 Prairie City SVRA Road and Trail Management Plan. A further serious omission was the failure to look at consistency with the Prairie City SVRA’s Wildlife Protection Plan (adopted September 2022). Significant work and resources went into the establishment of that Plan and the proposed project could reasonably be anticipated to adversely impact the implementation of the Plan.

**5. Hazards analysis and plan of Superfund site Area 39 is unclear with relation to the proposed project timeline**

The bottom of Superfund site Area 39 runs along the proposed gen-tie line, with additional overlap in the southwest area of the proposed site. Area 39 is a part of OU-7, which has not gone through the full Superfund process for remedial investigation and does not have a Record of Decision.

In their written comments, the Central Valley Regional Water Quality Control Board (CVRWQCB) and Department of Toxic Substances Control (DTSC) note that the DEIR does not address Superfund site Area 39. The comments also note that “The proposed project must not introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the superfund site.”

In response to these comments, the FEIR includes the following text:

A small portion of the project site (a small portion of the solar development area planned for the gen-tie line) is co-located with Superfund site Area 39, which was transferred from OU-6 to OU-7 in 2011 (see Plate HAZ-2). Area 39 was used by Aerojet between 1970 and 1972 as a burn area for chemical waste. Remedial investigations at Area 39 are ongoing. Future plans as part of a Sampling and Analysis Plan Addendum (Aerojet Rocketdyne 2025) include collection of soil samples, installation of additional soil vapor probes, and installation of groundwater monitoring wells. Once the Remedial Investigation is completed, a Feasibility Study will be prepared, followed by USEPA issuing a Proposed Plan for the cleanup of OU-7, then a Record of Decision. (FEIR, 9-9)

This added text outlines the remedial investigation process for Superfund sites, but they do not address DTSC concerns regarding the proposed project's compatibility with ongoing investigations of Area 39: "A thorough evaluation of the potential hazards and environmental impacts of the Project overlapping Area 39 of the Aerojet Superfund Site should be included in the environmental impact report." (DTSC letter, submitted May 5, 2025) The FEIR does not outline a plan to evaluate soil contamination in Area 39.

Additionally, response A4-4 of the FEIR reads:

Text changes have also been made in Impact HAZ-2 and Mitigation Measure HAZ-2b (DEIR pages 9-28 through 9-30) to specifically reference Area 39. Implementation of DEIR Mitigation Measure HAZ-2b: Prepare and Implement a Health and Safety Plan, would ensure that any unknown locations or undiscovered locations of contaminated soil or groundwater would be addressed during construction and disclosed to regulatory agencies and would ensure the safety of on-site personnel, particularly within and around Area 39.

As outlined above, the only plan that the FEIR outlines to evaluate soil contamination in the Superfund site is to coordinate with the regulatory agencies if contaminated soil or groundwater are discovered **during** construction. Without pre-construction analyses to characterize the soil conditions, the proposed project risks spreading or exacerbating existing contamination. This contradicts the FEIR conclusion that "Mitigation Measures HAZ-2a and HAZ-2b would reduce the potential for project activities to cause migration of the Superfund site groundwater contaminant plume and the potential for human exposure to superfund site contaminants to a less-than-significant level," and that "the project would not introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Superfund site." (FEIR, A4-4)

In response to the DTSC comment that "Any party that causes or exacerbates the contamination could potentially be held liable for the contamination," FEIR response A6-2 reads:

The Central Valley Water Board and USEPA provided approval letters based on previously submitted project plans in accordance with the land use covenant. Please see responses to comments A4-3 and A4-4.

The FEIR references CVRWQCB and USEPA letters from 2024 that do not address the soil contamination concerns of Area 39. These approval letters thus do not address the hazards concerns related to soil contamination in Area 39.

The FEIR must include a thorough evaluation of soil and groundwater contamination in Area 39 before any earthmoving or construction processes to ensure that no contamination will be spread or exacerbated. The FEIR must also include approvals from the relevant agencies to ensure that the proposed project would not conflict with remedial investigation procedures (i.e., ongoing field work, the supplemental RI/RA plan, the draft feasibility study, and a final feasibility study) for Area 39.

## **Conflicts with County General Plan and CEQA Policies**

### **1. The proposed Project location conflicts with County General Plan Public Facilities (PF) Policies**

PF-69 (County of Sacramento Office of Planning and Environmental Review, 2019), regarding impacts and siting of energy production facilities, states that potential adverse impacts should be minimized by avoiding, among other habitat types, wetlands, riparian habitat, vernal pools, oak woodlands and historic and/or archaeological sites and/or districts, all of which would be adversely impacted by the development of the project site. While decisions contrary to this policy are allowable when findings explaining these actions are provided, the proposed Findings being presented to the Board of Supervisors for action do not justify the decision to not conform to this policy, stating that “the temporal loss of ~41 acres of oak canopy is cumulatively considerable and significant and unavoidable due to lack of feasible mitigation.” The 2011 General Plan Update recognizes that, “Even with mitigation, significant impacts on native trees and canopy remain at the county scale,” and that, “There is a substantial temporal loss between seedling planting and maturity.” To approve the proposed Project, the County would have to provide an explanation for making an action contrary to this Public Facilities policy.

The intent of the elements regarding solar electric and other renewable energy facilities is to prevent sprawling facilities from despoiling pristine landscapes and natural resources such as oak woodlands and vernal pools. This project is in direct conflict with the intent of these policies. PF-78 (County of Sacramento Office of Planning and Environmental Review, 2019) states that when a project will be sited on habitat and other open space lands the project should be sited on “lands with the lowest habitat and open space values” and “Avoid areas containing vernal pool complexes and associated uplands.”

Conditional Use Permit Finding 1e in the proposed Findings and Conditions (Attachment 2) of the Board packet misrepresents the current condition of the proposed project site as “disturbed former mining lands.” This is largely false. Page 2 of the Staff Report

(BOS) states: “The majority of the project site is open grassland with seasonal wetlands, vernal pools, and ephemeral drainages scattered throughout. The predominant vegetation communities and land cover types include valley and foothill grasslands, oak forests, and oak woodlands. There are also several aquatic features, including three creeks and their associated tributaries (Coyote Creek, Carson Creek, and Little Deer Creek).”

While the proposed project had some mining activity in the 19th and early 20th Century, today this project site contains some of the highest value and most biodiverse habitats remaining in Sacramento County. The proposed project site contains vernal pool complexes, and the entire project site should be considered an associated upland to vernal pool complexes downslope from the project site. The very presence of over 1,700 heritage trees, many 200 to 400 years old, clearly demonstrates that the entire proposed project site is not disturbed former mining land. The proposed project site supports a vibrant landscape of oak woodlands, grasslands, and vernal pools that support a suite of special status plants, habitats, and wildlife. Development of a utility-scale solar project on this site is clearly not consistent with the intent to minimize impact by directing development to disturbed and degraded lands with low habitat values under PF-78.

## **2. Mitigation of Native Trees and Oaks Conflicts with CO-140, the California Oak Woodland Act, CO-141, and CO-139**

The mitigation measures for oak species are not consistent with policy CO-140 (County of Sacramento Office of Planning and Environmental Review, 2017). This policy requires that in kind plantings for each inch of diameter of oak removed by project activities, not at a 1:1 ratio for the number of trees removed. This requirement may be substituted for the establishment of a comparable on-site area for the propagation of oak trees at the discretion of the County Tree Coordinator. To our knowledge, approval by the County Tree Coordinator has not been acquired and would be necessary for Mitigation Measure BR-2a to comply with CO-140. This approval should be acquired prior to the approval of the FEIR, as it would be essential for the mitigation measure to be compliant with county policy. Acquiring approval of this method of mitigation should be a condition of approval, and this condition should be included in the mitigation measure that relies on this approval. CO-140 also requires no net loss of oak canopy. The preservation of existing oak woodlands at a 1:1 preservation-to-impact ratio to canopy lost does not offset the losses to achieve no net loss of canopy; compensatory plantings would be needed to achieve no net loss. While no timeline to achieve no net loss is included in CO-140, at a 1:1 ratio of surviving trees to trees removed, replanted trees would need to equal the size of trees removed to achieve compliance with this portion of CO-140, as described below many of the tree proposed for removal in this project are 200 years old or older, it would likely take at least this amount of time for the proposed mitigation measures to comply with policy CO-140.

The oak woodland mitigations are additionally inconsistent with the California Oak Woodlands Conservation Act, which limits the use of acorns or containerized young trees to fulfill a 1:1 tree replacement ratio of full trees to cover 50% of the required mitigation. (Public Resources Code Section 21083.4 (b) (2) (c)) The FEIR does not include this limitation, resulting in unmitigated loss of oak woodlands.

Mitigation Measures BR-1 and BR-2a do not address the requirements of policy CO-141 (County of Sacramento Office of Planning and Environmental Review, 2017). This policy requires that valley oak plantings achieve 50 percent canopy cover, and blue oak plantings achieve 30 percent canopy cover by 15 years post-planting. The term of mitigation and monitoring proposed for oaks is seven years, with no indication that there would be any monitoring of the oaks planted after this time. The mitigation measures should include requirements for monitoring to ensure that replanting efforts achieve the requirements set forth in policy CO-141. Additionally, given the growth rate of both blue and valley oaks, the proposed mitigation to have one tree surviving at seven years for each tree removed would fall far short of the requirements of this policy, even if each of these trees survived to 15 years. Young blue oaks have an upright, oval-shaped crown before starting to spread as they age. A fifteen-year-old blue oak would likely have a crown diameter of less than two feet. If we assume that each tree planted would have a crown diameter of two feet, each tree will have a "canopy cover" of 3.14 sq feet or 0.000072 acres. This would require planting 4,166 blue oaks per acre of mitigation land to achieve this standard. This also poses an issue with the requirement that mitigation plantings shall not "create unnatural canopy closure that would reduce wildlife value or contribute to increased fire hazard." Planting at the density required to comply with CO-141 would create closed canopy conditions as trees mature and would need regular maintenance through the removal of trees to prevent these conditions.

The mitigation measures for native trees (other than oaks) are not consistent with CO-139 (County of Sacramento Office of Planning and Environmental Review, 2017). Mitigation measure BR-2a states that a performance standard of a 1:1 tree ratio for native trees surviving at 7 years after replacement to those removed or lost would be used to satisfy CO-139. CO-139 does not include any language to indicate that this replacement ratio would satisfy this policy, CO-139 clearly states that "native trees other than oaks...shall be replaced with in-kind species...the combined diameter of which shall equal the...combined diameter of the trees removed." There is no language in this policy that indicates that it may be satisfied through other means, or if approved by the County Tree Coordinator. To satisfy this policy Mitigation Measure BR-2a must require the planting of 42 buckeye seedlings, 243 cottonwood seedlings (it is unclear why the arborist report did not indicate that these native trees are protected despite being listed as protected in Table BR-2 of the FEIR), 1,647 unknown tree species seedlings (listed as protected in table BR-2, these will need to be identified to satisfy the requirement for in-kind plantings), and an uncertain number elderberry (diameters and identification to the species level were not included in the arborist report, nor is justification for not listing them as a protected species in the arborist report or table BR-2 of the FEIR). There are no monitoring requirements in the mitigation measures to ensure that transplantation

efforts to mitigate impacts to the valley elderberry longhorn beetle would be successful. The number of seedlings recommended in these comments may be adjusted to represent the actual inches of diameter removed in the reduced project footprint outlined in the preface to the FIER.

The success of the mitigation for oaks and other native trees depends heavily on the “Tree Resource Mitigation Plan,” which is yet to be developed and approved. Deferring the development of this plan is in conflict with Section 15126.4 of CEQA, which states that “Formulation of mitigation measures shall not be deferred until some future time,” only allowing for development of measures after project approval when “it is impractical or infeasible to include those details during the project’s environmental review”. Given that the level of impacts to oaks is currently well described in the FEIR, the Tree Resource Mitigation plan should be fully developed and provided for public review in the FEIR prior to project approval.

The property proposed for the in-kind planting of oak trees is outside of the project site and has not been surveyed for the presence of special status plants and wildlife species or cultural resources. There is a high likelihood that special status species and cultural resources known to occur or with the potential to occur on the project site may also be present or have the potential to be present on the proposed mitigation site. These mitigation measures need to include a requirement for protocol level surveys of the mitigation site to ensure that the proposed mitigation measures would not have adverse impacts to any sensitive biological resources or cultural resources that may be present, as well as contingencies for alternative mitigation sites or alternative avenues to mitigate project impacts in the event that the proposed site is not suitable to support the proposed measures. Verification of the suitability of the proposed mitigation lands for the proposed mitigation measures must not be deferred until after project approval.

## **Habitat and Connective Wildlife Corridor Impacts**

The FEIR claims that the preservation of 1,150 acres of oak woodland will help contribute to the goals of the South Sacramento Habitat Conservation Plan (SSHCP) to preserve 8,000 acres of oak woodland and savannah. These acres will be in narrow strips of land, surrounded by a massive industrial solar facility, and further fragmented by access roads running through otherwise undeveloped areas. The fragmentation caused by the development of the project site will greatly diminish the value of both the woodlands preserved on site and those surrounding the development area, equating to the loss of the entire 2,704-acre project site, and an additional, unanalyzed number of acres of adjacent lands in terms of habitat that would no longer serve as usable habitat for a wide range of species.

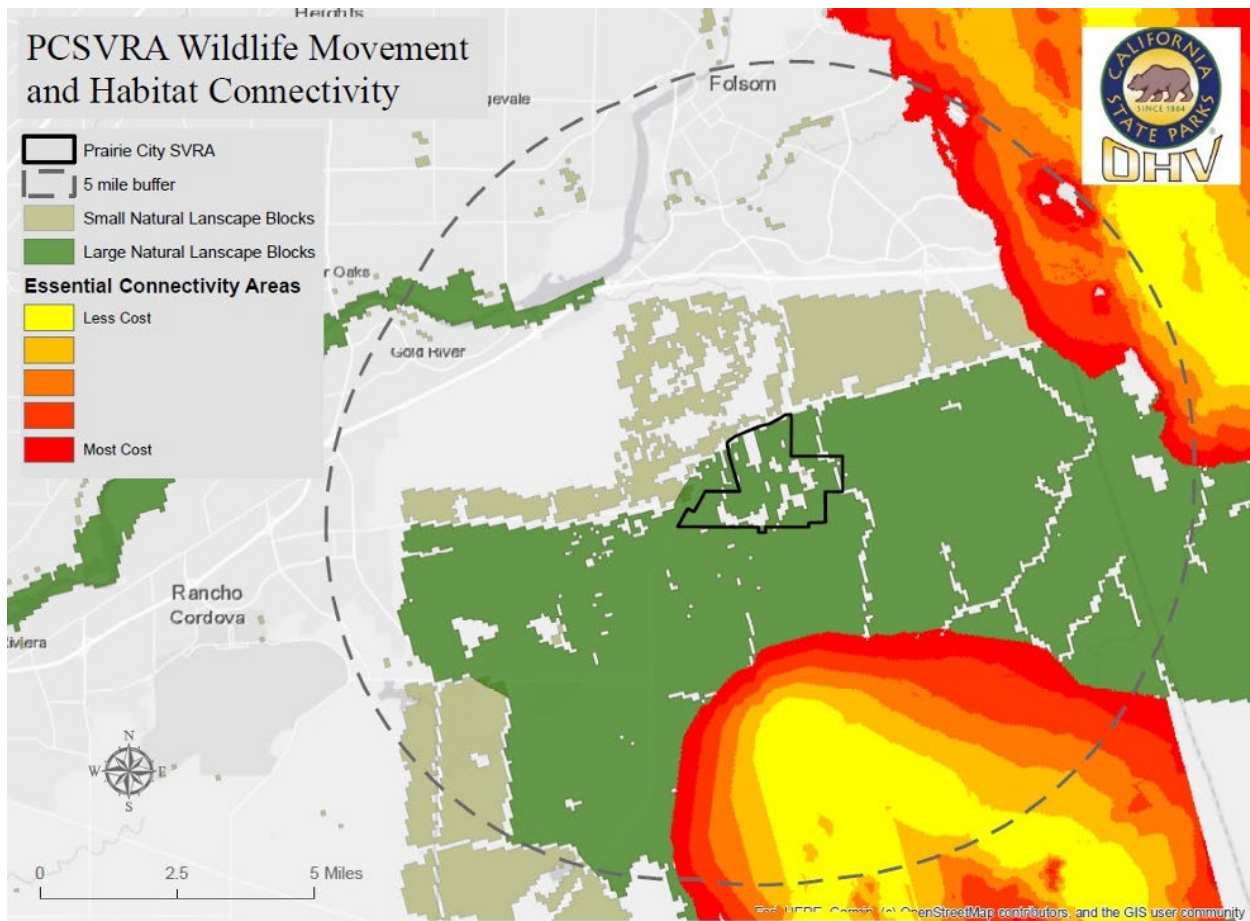
Blue oak's ability to disperse pollen to disjunct blocks of woodland would be impacted by fragmentation. Reduction of acorn production in this wind-pollinated species can occur when oaks are separated by 60 meters or more (Knapp, 2001). Many wildlife species avoid habitat

adjacent to development, making the preserved area essentially unusable for many species that rely on oak woodland habitat.

The California Department of Fish and Wildlife recommends that connectivity corridors be a minimum of 1500 feet wide (CDFW, 2024). The majority of the undeveloped lands proposed to provide connectivity are much narrower than 1,500', and all of these corridors have even narrower pinch points, as narrow as ~150 feet or less in some areas, with many areas ranging between 500 and 900 feet wide.

The FEIR has also mischaracterized the importance of the habitat connectivity corridors on the project site, describing them as "Natural Areas Small", however the map in the Prairie City State Vehicle Recreation Area (PCSVRA) Wildlife Habitat Protection Plan (WHPP) clearly shows that the project area is considered "Large Natural Landscape Blocks" and "Essential Connectivity Areas" by CDFW, indicating a much greater values to the Essential Habitat Connectivity network at the state-wide scale than is indicated in the FEIR.

These impacts to Essential Connectivity Areas should be considered significant impacts and should be minimized and mitigated for. The FEIR also failed to analyze how the project may impact the PCSVRA WHPP. The PCSVRA WHPP includes elements to facilitate the movement and migration of wildlife from adjacent essential habitat connectivity areas. No consideration of how the development of the proposed project would impact the utility of these elements within the SVRA was included in the FEIR.



Prairie City State Vehicle Recreation Area, 2022. Final 2022 Prairie City State Vehicle Recreation Area Wildlife Habitat Protection Plan. California State Parks OHV, pp 57. Data Source - Gogol-Prokurat, Melanie. 2014, 2018, Essential Connectivity Areas - California Essential Habitat Connectivity. California Department of Fish and Wildlife

## Impacts to Flora

### 1. Tree Impacts

A Sacramento County Planning and Environmental Review document states the following regarding the importance and nature of oak woodlands:

As we come to recognize this diversity of benefits and the increasing user pressure, and to understand its limited and irreplaceable nature, we will begin to understand its true value. With inadequate planning that allows incremental fragmentation and encroachment, and management that ignores restoration and permits overuse, the resource is compromised or lost; and once lost is essentially irreplaceable for generations. Mitigation for loss of mature oak trees with a few saplings falls far short of replacement. These saplings cannot begin to replace the decades of growth or the intangible cultural and historical values; indeed, they don't even replace the tree physically for several generations. Our best efforts at restoration, even over decades of time, cannot replace the complex and intricate ecological balance of plant and animal life that required hundreds of years to evolve into the oak woodland plant community. If we are to be successful in this effort, it is essential to recognize that much of the true value of

the oak woodland resource in human terms is historical, cultural, spiritual, and intangible in nature and cannot be quantified in monetary terms...Oak woodlands of Sacramento County can be preserved now and for future generations with careful and creative planning and with informed land use decision-making that minimizes fragmentation and emphasizes preservation and restoration. Community-wide recognition of the many diverse natural and human benefits of the resource and recognition of its limited availability is essential to its preservation. Planning efforts must include oak woodland renewal as well as preservation, soil erosion control, groundwater recharge, heritage tree preservation, fuel modification and fire management, natural watershed and drainage management, watercourse preservation, view corridor identification and preservation, habitat preservation, judicious use of conservation easements, and promotion of public, professional, and decision-maker awareness. (County of Sacramento, [Oak Woodlands](#))

The impacts to Sacramento County's trees are not just to a large number of trees but to a very high proportion of heritage trees (16 inches in diameter, measured at 4.5 feet above ground level). While it is impossible to accurately age a tree without either coring it or cutting it down, an optimistic growth rate for blue oaks is ~2mm of diameter per year (McCreary, 1990), noting that this estimate is from the same author referenced in mitigation measure BR-2a. This would make the smallest heritage blue oaks approximately 200 years old, having germinated before the gold rush and before California joined the United States as the 31<sup>st</sup> state in the union. Approximately 200 trees are over three feet in diameter, with them being approximately 450 years old, around the time the first Europeans arrived in California.

The Gathering Growth Foundation has identified some of the largest individuals of several tree species across the country, and has named champion trees for these species based on a scoring system where its total score is calculated as the sum of its trunk circumference (in inches) + tree height (in feet) + one-fourth of the average crown spread (in feet), with the tree having the highest total points in a species being recognized as the champion. Their champion blue oak is ~46.5 inches in diameter, ~590 years old, and originated when hundreds of thousands of native American people lived with no contact with or knowledge of Europeans.

There are 38 trees with larger diameters than the champion blue oak that are proposed for removal. Assuming that the blue oak in the arborist report with a 415-inch diameter is an error, the largest blue oak proposed for removal is 67 inches across, is ~850 years old, and may have germinated at the time Thomas Becket was assassinated by knights loyal to King Henry II in Canterbury Cathedral, a time so far past that it feels like a fairy tale. While trees on private lands throughout California are not well documented, this property may contain many of the largest blue oaks remaining in the county and in California as a whole. While not as old as this blue oak, the project would remove other massive trees, including an 81-inch cottonwood and a 75-inch valley oak.

The FEIR does not indicate which trees in the arborist report would be preserved through the proposed reduced footprint of the project, what species are present in the

areas removed from development, how many protected trees are present in the areas removed, or how many heritage trees would be saved by this reduced footprint.

In a recent article published by the Sacramento Bee Todd Dawson, an integrative biology professor at UC Berkeley, said such a mitigation being proposed not only is “severely misaligned with the timescale to reestablish ‘mature’ trees and the woodlands they would compose,” but also carries “the high risk that planted trees would survive in sufficient numbers to eventually reestablish the ecosystem.” Dawson went on to say that “...if the tree removal disrupts the soils and watershed, too, then this means there is no way to determine if the ‘ecosystem’ that reestablishes would be anything close to what it was before.” Regarding maintenance of the replanted oaks, Dawson said, “It may simply fail or become a site for invasive species to get hold unless it is stewarded for many years with an eye on constant replanting of dead oaks and removal of invasive species to keep it on the path to what the ecosystem was before tree removal.”

In the same Sacramento Bee article, Adina Merenlender, a professor of conservation science at UC Berkeley, agrees with Dawson, explaining that replanting seedlings and seven years of monitoring are not effective solutions to address the environmental impacts of large-scale oak tree removal. Merenlender stated that “They’re not going to get much ecological value out of those seedlings... you can’t replace the carbon storage [and] the canopy cover [and] the structure of a 100-year-old tree with a seedling,” and that “Older trees have that big structure, or birds and animals are living in cavities... it’s a complex home for many creatures, as compared to little seedlings.” Adding that the loss of mature oaks means the loss of ecological systems that depend on them and raising concerns regarding survival of planted trees given competition from invasive annual grasses for water, and hotter, drier conditions and increased grazing make it harder for young oaks to survive (Chung, 2025).

The FEIR admits the difficulty of ensuring a successful replanting of oak trees in the DISPOSITION OF IMPACTS chapter:

Even with implementation of Mitigation Measures AE-2 and BR-2a in the short-term (i.e., within 5 years), the impact would be significant and unavoidable. After 5 years, the faster-growing interior live oak species have been selected to provide softening. At 3 years after planting approximately 30 percent of the oak seedlings would likely die, and approximately 50 percent of the surviving 3-year seedlings would likely die after 15 years due to the difficulty of establishing native oaks from plantings. (FEIR, 17-1)

The FEIR states that 35% of the seedlings planted for mitigation would likely survive the first 15 years after planting. However, there is no evidence provided to substantiate the claim that even 35% of the planted seedlings would survive. Our doubts regarding this claim are exacerbated by the fact that this calculation does not consider the context of drought, fire, or grazing by cattle or sheep that would likely impact these plantings. Please refer to our concerns about the proposed oak replanting in general in this comment letter. Additionally, please refer to the Addendum, which substantiates our concerns regarding the success of wild tree replantings under the Sacramento Tree Foundation’s oversight.

Assuming the success of the replantings, the FEIR states that the new trees “would increase carbon sequestration and offset approximately 984 MT CO<sub>2</sub>e.” (FEIR, 20-292) This is surely incorrect for the 7-year duration of the tree planting and cultivation period, when the saplings would be very small and have almost negligible carbon sequestration compared to that of the large mature trees destroyed. And limiting carbon emissions and sequestering emitted GHGs is most important for atmospheric mitigation in the earliest years possible - to reduce the increase in CO<sub>2</sub>e atmospheric concentrations over time - but no net sequestration relative to the removal of the trees by the project can be foreseen over the project lifetime because of the small size, slow development, and likely some mortality, from 7 to 35 years, of the newly planted trees.

## 2. Rare Plant Impacts

Mitigation Measures BR-1a and BR-1b lack sufficient information to ensure that mitigation would reduce the anticipated impacts to special status species to a less than significant level. These mitigation measures do not include any requirements for properly timed preconstruction surveys for special status plant species; the only mention of preconstruction surveys for plants is in relation to preconstruction surveys for purple needlegrass to identify riparian habitat and sensitive natural communities.

The proposed mitigation measure, which requires the developer to salvage topsoil for populations of spiked western rosinweed (*Calycadenia spicata*) that cannot be avoided by project activities, does not include guidance as to the timing of topsoil salvage to ensure that propagules of the impacted species would be present, or that the salvaging activities would be effective at preserving these propagules. There is no description of the method of topsoil salvage to be used. There is no requirement that a qualified botanist be consulted as to the timing or method of salvage or that a qualified botanist be on site to ensure that salvage would be effective. There are no guidelines for the storage of salvaged topsoil or the length of time that salvaged soil may be stored. It is essential that soil be salvaged after the special status species impacted have completed their seasonal growth and have senesced, and prior to fall rain, which may trigger regrowth. Soil must be stored dry to prevent the germination of seed prior to the redistribution of topsoil. Topsoil should also be stored in an area free of invasive weed propagules, which may inhibit the re-establishment of special status species and introduce invasive species to areas of the project site where they did not exist previously. These mitigation measures do not include the future development of a mitigation and monitoring plan for this species.

There are no measures to mitigate impacts to valley brodiaea (*Brodiaea rosea* ssp. *vallicola*), Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*), pincushion navarretia (*Navarretia myersii* ssp. *myersii*), or other special status species with the potential to occur on site that cannot be avoided by project activities, nor are there any measures to monitor or implement adaptive management for these species. Current surveys have only identified spiked western rosin weed and valley brodiaea as special status species that are present within the solar development area; however, no discussion of the level

of impact to valley brodiaea, and no measures to monitor or mitigate these impacts are included in the FEIR.

Additionally, there are no measures to monitor potential impacts to Ahart's dwarf rush and pincushion navarretia, found immediately adjacent to the solar development area, nor are there measures to mitigate the potential impacts to these species. There are several other special status species with the potential to occur on the project site that may be discovered during preconstruction surveys or by the biological monitor during construction activities.

The FEIR should require properly timed preconstruction surveys for special status species with the potential to occur and include a framework for mitigation of valley brodiaea, Ahart's dwarf rush, pincushion navarretia, and other special status species with the potential to occur. Suggested amendments to these mitigation measures to include a specific maintenance and monitoring schedule were provided in comments on the DEIR for this project; the response to the suggested amendments inaccurately characterized these suggestions as "minor wordsmithing" despite the suggested revisions including significant additional details.

The grazing regimes that are required to avoid impacts to both existing and replanted special status species populations on the project site should be included in the FEIR. The Agricultural Management Plan is essential for the success of Mitigation Measure AG-1 and BR-1b. MM BR-1b requires the Agriculture Management Plan "Incorporate specific grazing/mowing regimes and other relevant management measures consistent with the long-term preservation of spiked western rosinweed occurrences onsite", however the Agriculture Management Plan, and Mitigation Measure AG-1, do not reference the need to re-seed special status species or indicate that the grazing plan must include considerations for the preservation of special status species found on the project site, which are both necessary for the success of MM BR-1b. There is no mention of special status plant species or spiked western rosinweed in the Agricultural Management Plan.

The Agricultural Management plan also claims that non-native non-invasive forbs would supplement native grasses in the seed mix; however, none of the grasses listed in the seed mix are native. The annual rye grass in the proposed seed mix is listed as "moderate" by the California Invasive Plant Council, meaning that it may have substantial (although generally not severe) ecological impacts on plant and animal communities and vegetation structure.

Policy CO-66 requires that mitigation sites "have a monitoring and management program including an adaptive management component, including an established funding mechanism." While the FEIR states that a management program would be developed, adaptive management plans, actions, and processes would be developed, and a funding source would be established, no additional details on these are included in the FEIR, despite sufficient information regarding the level of impacts and mitigation needs being available to guide the development of the mitigation and monitoring program.

### 3. Responses to Comments on Flora

Impacts to valley brodiaea – Master Response B3, response O3-27 – Despite the response providing information on the levels of impacts to valley brodiaea, disclosure of these impacts was not incorporated into the FEIR, nor were any mitigation measures for any individuals that would not be avoided by project impacts, or any measures to monitor populations.

Salvaged Topsoil - Master Response B3, Response O3-30, and Response O3-227 – These responses do not address the need to include measures to prevent contamination of salvaged topsoil or the need to store soil where it can be kept dry to avoid germination prior to re-dispersal, or the recommendation for an extended term of monitoring. The response claims that the addition of guidelines for the storage of salvaged topsoil “consist of minor wordsmithing” despite adding new information not included in the mitigation measure. The response mischaracterizes the request for replacing the existing monitoring schedule with an extended schedule as “a request to remove the 5-year that monitoring would not be appropriate,” entirely avoiding the context of the comment.

USGS quads - Response O3-31 – This response claims without justification that not including the USGS quads that share a single corner with the quad occupied by the project site is standard practice. The majority of the area of quads that share a single corner with the quad occupied by the project site are of the same proximity as the quads that share multiple borders with the occupied quad. There is no rational reasoning for excluding these quads from analysis.

Suggested Edits to Mitigation Measures – Responses O3-225 through O3-229 – These responses discount suggested changes to mitigation measures BR-1b and BR-2, simply stating that these reconditions consist of “minor wordsmithing edits”, despite providing significant clarification regarding: the use of native vs. non-native seed sources, and the use of locally collected seed; the timing and target species of preconstruction surveys; and additional details regarding required monitoring and maintenance. These recommendations include additional details far beyond “minor wordsmithing”.

Valley Needlegrass Grassland – Response O3-320 – This response only acknowledges the suggested redactions for mitigation measure BR-2, claiming that the removal of this portion of the mitigation measure would not be appropriate. The response does not acknowledge the suggested additions, which are intended to replace the portion of the mitigation measure that was recommended to be removed.

## Wildfire Risk Analysis

There are no monitoring or enforcement measures in place to ensure that grasses and weeds are kept under 6”, and there is no discussion of maintaining other native vegetation or how maintaining valley needlegrass grasslands under 6” may impact the health and reproduction of

this sensitive natural community. Additionally, a height of 6” is sufficient to carry wildfire and spread it into areas adjacent to the project site. This height may slow the spread of fire under typical conditions but not in a high wind event associated with many of California’s most destructive fires. The risk associated with fire spreading from the project site to adjacent areas, including the SVRA, was not discussed in the FEIR. Despite being fire resistant, there is potential for photovoltaic panels to burn. There is no discussion of the environmental impacts if the PV panels were to be consumed in a wildfire.

## Impacts to Fauna

### 1. The FEIR fails to address comments on impacts to Tricolored Blackbird

Master Response B-5 – This section argues that Tricolored Blackbird are not present on the site. Tricolored Blackbird is an irruptive breeder, that is, episodically abundant and in other years low to absent depending on the site. The pond in the northeast portion of the site has a long history of supporting episodic Tricolored Blackbird breeding, with foraging in the surrounding landscape. There is no reason, other than the proposed project, not to expect it to continue to do so in the future. Previous comments on the DEIR emphasized the importance of adequate area of suitable foraging habitat around the breeding pond for viability of the breeding location of this California Threatened species. Impacts to this species would therefore be significant and unavoidable.

Response O3-51 – The response does not address the Tricolored Blackbird Portal information or acknowledge the information provided by species expert D. Airola.

Comment O3-54 and Response – The response fails to address the crucial information provided in the comment that Tricolored Blackbird colonies forage within 3 miles of the colony site (which would include nearly all of the proposed project area, relative to the “Scott Road pond” and the very large colony immediately west of Prairie City SVRA), and that at least 60% of that foraging area must be suitable land cover.

Response O3-56 – This response fails to address the information regarding the effect of threatened loss of suitable foraging habitat for Tricolored Blackbird due to the project. Since solar panels would cover more than 50% of the project area, it is highly unlikely that the Scott Road pond colony would retain more than 60% suitable foraging area within a 3-mile radius, rendering the colony unviable. This is a significant impact not avoided by the project or acknowledged by the FEIR. The impact of loss of foraging habitat on the west-of-PCSVRA colony remains unquantified and undisclosed; this is a critical deficiency of the FEIR.

Comment O3-57 and Response – The response ignores the information provided in the comment that Tricolored Blackbird behavior shows a need for open foraging habitats. The response states “available data and studies [were used], which do not indicate solar

arrays will preclude tricolored blackbird foraging,” while not disclosing that neither do they indicate that Tricolored Blackbird *will* forage among solar arrays. The EIR analysis is deficient in this respect. Note that in a similarly data-deficient situation, the proposed project “conservatively assumed that all potential foraging habitat within the solar array field would be permanently converted to non-habitat and would result in a permanent loss of Swainson’s hawk foraging habitat (DEIR, pages 6-66 and 6-67)” (Response O3-78). Response O3-57 also attempts to equate Swainson’s Hawk mitigation with Tricolored Blackbird mitigation. This is unfounded scientifically, since Tricolored Blackbird mitigation must be very closely associated with a colony breeding site. No such mitigation site has been identified, and the proposed project has not shown it has the ability to provide mitigation surrounding another colony site. Broad-brush Swainson’s Hawk mitigation will not remotely be effective for Tricolored Blackbird. This is a further defect of the FEIR.

Response O3-58, O3-59, and O3-60 – These responses ignore the information provided about Tricolored Blackbird colony foraging habitat needs in previous comments; see discussion of O3-54, O3-56, and O3-57, above. In addition, response O3-58 repeats the unsupported statement that only 53 acres of foraging habitat for Tricolored Blackbird would be permanently impacted. This number presumes, without data, that Tricolored Blackbird would forage and forage successfully both among and *under* solar arrays, which experts find highly unlikely. This threatened species should not bear the risk that the proposed project will pose based on the dubious suitability of among- and under-array areas for foraging.

## **2. Swainson’s Hawk Mitigation Measures are Insufficient**

Proposed Mitigation Measure BR-2b would not meet the no net loss performance standard for loss of Swainson’s hawk foraging habitat based on acreage, function, and value to the species. The FEIR fails to achieve this standard. Achieving no net loss would require acquisition and permanent protection of foraging habitat at a ratio greater than 1:1 and enhancing that habitat.

The standard for replacing “known active nest sites/trees in kind at a ratio of 3:1” is insufficient to reduce this impact to less than significant. Replacing mature nest trees by planting immature trees (saplings or containerized trees) and establishing a 65% survival rate for them after five years will result in a 35% net loss of nesting tree habitat until and if the plantings become mature. The survival rate must be 100% rather than 65% to achieve a no net loss. If the survival rate of 65% remains unchanged, the mitigation acres would need to be increased by 35%.

“The California Environmental Quality Act (CEQA) requires a mandatory findings of significance if a project’s impacts to threatened or endangered species are likely to occur (Sections 21001 (c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency

makes and supports findings of Overriding Consideration. The CEQA Lead Agency's Findings of Overriding Consideration does not eliminate the project sponsor's obligation to comply with Fish and Game Code Section 2080" and "Management and mitigation strategies for the Central Valley population of the Swainson's hawk should ensure that: suitable nesting habitat continues to be available (this can be accomplished by protecting existing nesting habitat from destruction or disturbance and by increasing the number of suitable nest trees); and foraging habitat is available during the period of the year when Swainson's hawks are present in the Central Valley (this should be accomplished by maintaining or creating adequate and suitable foraging habitat in areas of existing and potential nest sites and along migratory routes within the state)." (California Department of Fish and Game 1994).

## **Consistency with Appendix J and L of the South Sacramento Habitat Conservation Plan**

Impacts to Appendix J conservation targets of the SSHCP are not accurately represented in the FEIR. Page 20-31 of the FEIR states:

Reference to Appendix J has been incorporated into the description of the SSHCP of the EIR in Chapter 6, Identifying an objective for supplemental conservation of as much as 8,000 acres in the general area of Sacramento County hosting the proposed project. The proposed project is consistent with the voluntary conservation program, which has been incorporated into Mitigation Measure BR-2b of the FEIR; note that a minimum of 1,150 acres will be preserved on-site or adjacent to the proposed project site.

The proposed project is not consistent with the voluntary conservation called out in Appendix J of the SSHCP because: 1.) the proposed project has the potential to drive up the costs of acquiring land in that area because of the speculative pressure for land in this area being potentially used for future solar projects ; 2.) the proposed project fragments blue oak woodland and associated grasslands in that area impacting the ability of the SSHCP to create a properly designed preserve in the area; 3.) the 1150 acres of on site mitigation constitute long narrow bands that run north to south thru the project site and constitute preservation with maximal edge effects and disrupt important west to east connectivity, which is of increasing importance as species need to adjust to cooler climates in response to warming climate (the distance to cooler conditions is much shorter in the eastward direction because of altitude gains compared to heading north and relying on latitudinal changes); and 4.) the proposed 1150 acre onsite project mitigation is not consistent with the preserve creation criteria included in the SSHCP.

Approval of the proposed project would indicate to the development community that Sacramento County considers the conversion of the county's blue oak woodlands to solar farms to be a viable ongoing opportunity, which is likely to drive up land acquisition costs in this portion of eastern Sacramento County. Since the 8,000-acre acquisition goal for this portion of the county will largely have to be accomplished with grant funds, the increased underlying per-

acre cost will have a direct impact on the potential for success, as grant funds are limited and a larger proportion of those funds would be needed.

Appendix L, Preserve Design, of the SSHCP discusses how preserves “will be designed, established, and managed according to the following established principles of ecology and conservation biology.” (SSHCP Appendix L, page 1). The first two goals listed in “Preserve Design Principals” that follow this quote are: “*minimize fragmentation and minimize edge effects.*” The very presence of a huge industrial solar facility in a blue oak woodland and associated grassland landscape, by definition, causes fragmentation. And, it will be much harder to build a large 8,000-acre contiguous preserve in a configuration in this area that meets the preserve design principles laid out in the SSHCP because of the magnitude of the fragmentation that this project would create.

On the topic of fragmentation, the SSHCP states:

“Along with outright habitat conversion, habitat fragmentation is a leading cause of biodiversity reduction on both local and regional levels. By definition, habitat fragmentation results in a habitat type being reduced in size and more isolated from adjacent areas of similar habitat types. The more isolated a given habitat type (and associated species), the more difficult it becomes for those species to migrate, escape harsh conditions, and exchange genetic information.” (SSHCP Appendix L, page 2)

And further:

“Fragmentation not only disrupts movement, it can also alter ecosystem dynamics, especially when corridors are located next to human development, or when natural disturbance patterns (e.g., fire, water flow, erosion patterns) are altered. This can disrupt the “patch mosaics” seen on the unfragmented landscape. Fragmentation also decreases the diversity of animals in an area, including birds, bees, and beetles. Some of these decreases may significantly affect ecosystem processes such as pollination and decomposition (Molles 1999).

Species richness is also affected by fragmentation, decreasing as habitat patches (“islands”) become smaller and more isolated. Species richness on islands (and in habitat patches) is a balance between immigration and extinction of species. Immigration rates are influenced by the distance from the source of immigrants, while extinction rates are mostly determined by “island” size (MacArthur and Wilson 1967). Plant and animal species that require the frequent exchange of genetic material to re-colonize extirpated populations are especially affected by fragmentation and subsequent isolation of habitat patches. The ability of subpopulations to move between patches is important in the persistence of some species, especially those in “sink” populations, small groups that, left alone, would probably go extinct (Molles 1999). Isolated subpopulations are particularly susceptible to genetic disorders and lower reproductive success caused by inbreeding. This can lead isolated populations to become more vulnerable to local

extinction as a result of stochastic events (Ellstrand and Elam 1993).” (SSHCP, Appendix L, page 2)

On top of fragmenting the landscape, conservation lands offered as mitigation for the proposed project are themselves fragmented. The plan to use long, thin bands of avoided habitat as onsite mitigation creates fragmented preserved habitat with maximized edge effects. The onsite mitigation would be surrounded by solar panels, isolating them from the surrounding landscape. The narrow nature of these bands, by definition, maximizes the edge effects from the proposed project. These narrow bands resemble avoided habitat and not well-designed preserves and are therefore not consistent with the 8,000-acre preservation goal in Appendix J.

The SSHCP states the following about edge effects:

“The long-term biological viability of preserves, stream corridors and landscape linkages will be affected by adjacent land use. When the adjacent land uses are different from each other, such as a housing development or a busy road next to a habitat preserve, they will likely have negative impacts on the conservation land. These impacts may include light and noise pollution, vibration, alterations to hydrology, water pollution, illegal dumping of rubbish and toxic chemicals, spread of invasive non-native plants and presence of pets which may adversely affect native species. These impacts are known as edge effects and result in the outermost parts of a preserve or a landscape linkage being adversely affected by these and other external factors. The interior parts of a preserve or landscape linkage, where the edge effects are much less, is known as interior habitat as opposed to edge habitat.” (SSHCP, Appendix L , page 3)

And further states:

“Maximizing the interior/edge ratio of a preserve will reduce these negative edge effects as it will maximize the percentage of a preserve that is interior habitat. A circular preserve has the highest interior/edge ration and the highest percentage of interior habitat. In contrast, a long, thin preserve may be entirely edge habitat. The design of preserves must seek to avoid the latter shape.” (SSHCP, Appendix L, page 4)

To be consistent with Appendix L preserve design goals for the 8,000 acre preservation goal identified in the SSHCP Appendix, the proposed project would need to provide a large contiguous preserve. Fragmenting the landscape within the area identified by the SSHCP for preservation and then mitigating that impact with even more heavily fragmented preserved habitats runs completely counter to those goals.

The narrow bands of onsite avoidance to be used as onsite mitigation are also problematic in terms of their viability as corridors. “In general, corridors should be wide, continuous, natural, and structurally diverse as opposed to narrow, fragmented, unnatural, and with low structural diversity (SSHCP L-6).” Beyond being obviously narrow, they oriented on a north-south axis. Climate change adaptation necessitates that many species will need to seek cooler climates if they are to persist. The closest colder climate relief opportunity for valley and foothill species would be to move to the east and up in altitude. The distance they would have to travel to the

east is exponentially shorter than going north. The proposed project disrupts connectivity and a large corridor to the east and offers narrow bands of onsite avoidance that run north-south as mitigation.

The claim that saving 1150 acres of fragmented acres, with maximized edge effect, on the site of a huge industrial solar project, that itself fragments a blue oak woodland landscape, is somehow consistent with the Appendix J goals of the SSHCP, is both inaccurate and contradicts the goals of the SSHCP. The proposed project, if developed, would substantially undermine the achievement of the goals of SSHCP.

## **Permanent Impacts and the future of the proposed site**

The FEIR states that the proposed project would operate for a duration of 35 years, after which the project would be decommissioned and the project site would be restored to pre-construction conditions:

Development of the proposed project site would alter the existing land use from agricultural use only to renewable energy production co-located with agricultural use (grazing). The proposed project has an anticipated operational period of 35 years, after which a decommissioning plan would be implemented. As a result, the project site would be restored to conditions that would be substantially similar to the existing baseline agricultural conditions. (FEIR, 17-69)

Due to the unrelenting demand for renewable energy and the significant site development and transmission investment for the proposed project, it can be reasonably expected to remain in energy production or another industrial use far beyond the Project's initial 35 years. Considering the amount of investment in onsite infrastructure, the amount of earthmoving, connection to the grid, and the possession of the requisite permits for this type of use, it is not credible to assume that this project will be decommissioned at the end of the contract.

Utility-scale solar projects are a permanent conversion of land use and, as such, require impact analysis and mitigation that addresses the permanent nature of the impacts. The earthmoving and tree removal identified in the FEIR that are required to develop the proposed project would result in permanent impacts on the biological resources, the connectivity of the area, and the structure of the landscape. The analysis in the FEIR must consider this a permanent conversion to an industrial land use.

Furthermore, the ownership and/or management of the proposed Project can be reasonably expected to change over time. The proposed mitigation measures, particularly those associated with project operations and management, become meaningless if their durability is not ensured.

Please feel free to contact us with any questions.

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## Literature Cited

California Department of Fish and Game. 1994. Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. Sacramento, California.

Chung, Chaewon, 2025. Sacramento solar site claimed as 'bare ground,' yet thousands of trees at risk. *The Sacramento Bee*, 11/25/2025.

<https://www.sacbee.com/news/local/article312635399.html>

California Department of Fish and Wildlife, 2024. California Connectivity Advance Mitigation Guidelines. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216523&inline>

County of Sacramento. Oak Woodlands, Planning and Environmental Review.

[https://planning.saccounty.gov/InterestedCitizens/Pages/ER\\_OakWoodlands.aspx](https://planning.saccounty.gov/InterestedCitizens/Pages/ER_OakWoodlands.aspx)

County of Sacramento Office of Planning and Environmental Review, 2017. General Plan, Conservation Element.

<https://planning.saccounty.gov/LandUseRegulationDocuments/Documents/General-Plan/Conservation%20Element%20-%20Amended%2009-26-17.pdf>

County of Sacramento Office of Planning and Environmental Review, 2019. General Plan, Public Facilities Element. [https://planning.saccounty.gov/PlansandProjectsIn-](https://planning.saccounty.gov/PlansandProjectsIn-Progress/Documents/Public%20Facilities%20Element%20-%20Amended%2012-17-2019.pdf)

[Progress/Documents/Public%20Facilities%20Element%20-%20Amended%2012-17-2019.pdf](https://planning.saccounty.gov/PlansandProjectsIn-Progress/Documents/Public%20Facilities%20Element%20-%20Amended%2012-17-2019.pdf)

Knapp, E.E., Goedde, M.A. and Rice, K.J., 2001. Pollen-limited reproduction in blue oak: implications for wind pollination in fragmented populations. *Oecologia*, 128(1), pp.48-55.

[https://www.fs.usda.gov/psw/publications/knapp/psw\\_2001\\_knapp001.pdf](https://www.fs.usda.gov/psw/publications/knapp/psw_2001_knapp001.pdf)

McCreary, Doug, 1990. Blue Oaks Grow Slowly. *Oaks 'n Folks* 5(1).

<https://ucanr.edu/site/uc-oaks/article/blue-oaks-grow-slowly#:~:text=The%20age%20analysis%20showed%20that,10%2Dinch%20tree%20growing%20nearby>

## Comment Preparers

Jeff Aardahl - Conflicts with County General Plan and CEQA Policies and Impacts to Fauna  
Jeff is a Wildlife Biologist and Senior California Representative for Defenders of Wildlife's California Program. Thirty-two-year career in federal government, including Wildlife Biologist and Supervisory Natural Resource Specialist with the Bureau of Land Management and National Park Service.

Luz Lim - General Comments on FEIR Responses to DEIR Comments  
Luz is the Policy Analyst for Habitat 2020 and the Environmental Council of Sacramento (ECOS). Luz has a Bachelor of Arts in Geology from Amherst College and is currently pursuing a Master's in the Department of Geological Sciences and Engineering at the University of Nevada, Reno. Her research investigates the impact of ultra-high pressure and temperature tectonic processes on the preservation of chemical records in zircon, one of the most used minerals in geochemical investigations.

Brendan Wilce - Conflicts with County General Plan Policies, Habitat and Connective Wildlife Corridor Impacts, Impacts to Flora, Permanent Impacts..., and Wildfire Risk Analysis  
Brendan joined CNPS in spring 2022 as the Natalie Hopkins Conservation Intern. He has a background in horticulture with a Bachelor of Science from UC Davis in Environmental Horticulture and Urban Forestry with an emphasis in Greenhouse and Nursery Production, including extensive coursework in restoration ecology. He has enjoyed over 15 years in the nursery industry working as an assistant manager and grower in the Sierra Nevada foothills. Brendan's knowledge and love of plants and nature led him from production to protection, working with the CNPS's conservation team. His current project is the compilation of an annotated bibliography of scientific research and reviews relating to fuel breaks, effects of grazing, type conversion, invasive species, post-fire recovery, effects of salvage, industrially managed forests, and restoration. He also supports the conservation team in the review of proposed projects, environmental assessments/impact reports, and identifies research to support concerns and objections to these projects and assessments.

Sean Wirth - Technical inconsistencies..., Consistency with Appendix J and L..., Permanent Impacts..., and Addendum  
Sean has a zoology degree from UC Berkeley and worked as an environmental representative directly with the wildlife agencies in the preparation of the South Sacramento Habitat Conservation Plan. He currently sits on the Implementation Review Committee for that Plan. He has been the Conservation Chair for the Mother Lode Chapter of the Sierra Club for the last twelve years, and also sits on the board, executive committee, and co-chairs the habitat committee for the Environmental Council of Sacramento.

David Wright - Impacts to Fauna  
David has a Ph.D. in Ecology and Evolutionary Biology from the University of Arizona. David is now retired, after working as an Entomologist at the California Department of Fish and Wildlife.

## CONSULTANTS

Kate Kelly - Technical inconsistencies... and Permanent Impacts...

Kate provides land use, project management, and governmental relations consulting to conservation organizations and public agencies. Kate focuses on land use policies and planning for siting and procurement of renewable energy that balances the protection of natural and cultural resources with meeting climate goals. She is engaged in energy policy, planning, and procurement proceedings at the California Public Utilities Commission, California Energy Commission, California Independent System Operator, and local governments. As a consultant to Defenders of Wildlife, Kate has been a leader in their California Renewable Energy Programs and works to incentivize siting of renewable energy projects in least-conflict areas with low natural and cultural resource value as an essential strategy for accelerating renewable energy development and protecting vital natural and cultural resources. Kate is the principal author of:

- *Conserving California's Harvest: A Model Mitigation Program and Ordinance for Local Governments*, which provides a comprehensive guide to assist local governments in developing and implementing farmland mitigation programs, including the use of conservation easements.
- *Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley*, which provides a suite of recommendations and implementation strategies for environmentally sensitive renewable energy development.

Don Mooney - Legal Review

Donald Mooney has been a CEQA practitioner for over 35 years, primarily representing citizen groups and environmental groups throughout northern and central California. During this time, he has litigated hundreds of CEQA cases at the trial court level and handled over 100 appeals.

## **ADDENDUM: Sacramento Tree Foundation Mitigation Site Visit**

The project proponents have been touting their partnership with the Sacramento Tree Foundation and suggesting that this partnership ensures that there will be top-notch replanting to replace the trees that would be lost if the proposed project were to be built. The FEIR states that there will be a significant and unavoidable temporary loss of oak trees, with the expectation that new oaks planted will eventually replace those lost. However, this depends on whether enough newly planted trees survive to maturity. This raises questions about the Tree Foundation's ability to effectively carry out mitigation and whether they were chosen as a partner primarily because their services were much less expensive than those of a for-profit company, possibly allowing the project to appear more environmentally friendly than it actually is.

In an effort to ground truth the claims that the tree plantings will be successful, a field trip was taken to Deer Creek Hills on November 1st, 2025, during one of their open hike days. The Tree Foundation was paid to plant 800 trees there for mitigation for the Riverview project in Rancho Murieta, and it should be noted that the plantings were one tree per inch of diameter lost in the Riverview project, not the one new tree for each tree killed in this proposed project. The replanting included valley oak, blue oak, interior live oak, cottonwood, walnut, buckeye, box elder, and arroyo willow and was completed approximately three years ago. The planting sites were examined and photographed.



This shot is typical of all of the planting sites done by the Tree Foundation at Deer Creek Hills. Note that many of the plantings and protective tree sleeves were bent or toppled over or entirely missing, the lack of any visible trees growing out of the tree sleeves, and general disarray of the planting. Looking down into the tree sleeves did not yield better news.



The view inside one of the sleeves– looks like a dead oak tree.



It is not clear what was supposed to be growing here. This was what the view into the vast majority of the tree sleeves looked like.



Not all of the tree sleeves were empty. Occasionally, there was something growing inside like this little oak. It appeared that somewhere between 10% and 20% of the plantings had live trees in them.

In stark contrast, Helix Environmental Planning completed planting mitigation trees nearby last year. There was a marked difference in the quality of the planting done by this other firm.



This is a photo of the planting done by Helix. Note the even spacing of the trees, the size of the trees and the robust nature of the tree enclosures. Only one dead tree was noticed in the entirety of the planting. This planting is one year old.



This is an up-close shot of one of the planted oaks. Notice the irrigation next to the base of the tree. Also notice the decent size of the tree, indicating that a tree was planted after it had grown for a number of years in a controlled setting before planting.



This is a view from the Tree Foundation planting to the nearby Helix planting area.

There appears to be significant reason for concern with the Sacramento Tree Foundation's capacity and qualifications to undertake tree planting mitigation based on what was evident at their planting sites at Deer Creek Hills.

A fundamental concern of our environmental coalition is that we will lose trees like the one below, and in the end, the significant and unavoidable temporal loss of these trees will actually be a permanent loss.

