

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710

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AMENDMENT NO. 5
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2015-027-04
California Flats Solar Project in Monterey
and San Luis Obispo Counties

INTRODUCTION

On October 23, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2015-027-04 (ITP) to California Flats Solar, LLC (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the California Flats Solar Project in Monterey and San Luis Obispo Counties, California (Project). The Project as described in the ITP as originally issued by CDFW includes the development of a solar energy production facility on an approximately 2,367-acre site. Project activities would include grubbing and grading for construction of temporary laydown and staging areas, permanent O&M buildings, substations, a switching station, trenching for underground cables and wires, excavation for transmission pole footings and temporary water storage ponds, installation of a temporary above-ground water pipe and water storage tanks, mowing and/or disking and rolling for site preparation, installation of permanent solar modules and overhead transmission lines, construction of new internal roads (including water crossings), improvements to existing access roads (including new/improved water crossings), O&M, and decommissioning activities.

On July 12, 2016, CDFW issued Amendment No. 1, which changed the Project description to clarify some of the construction activity details, including perimeter fence design and California tiger salamander exclusion fencing; modified the language regarding compliance monitoring to clarify the Designated Biologists' duties; modified the language regarding night work activities to allow additional activities; and modified the trenching and excavation language.

On December 1, 2016, CDFW issued Amendment No. 2, which modified the language of Condition of Approval 8.1 to allow limited use of the main access road during night hours; added Condition of Approval 8.23 to define access road use allowances; and modified Condition of Approval 9 to allow purchase of mitigation bank credits as a compensatory mitigation option.

On August 2, 2017, CDFW issued Amendment No. 3, which extended the deadline to complete the compensatory mitigation obligation from May 11, 2017, to May 11, 2018.

On March 13, 2018, CDFW issued Amendment No. 4, which modified the language in Condition of Approval 8.8 to correct the definition of a potential San Joaquin kit fox den, to be a den with no evidence of current or former San Joaquin kit fox use and therefore would require implementation of a 50-foot protection buffer and clarified the definition of a known San Joaquin kit fox den to be a den with evidence of current or former San Joaquin kit fox use.

In issuing the ITP, Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4 (collectively, the ITP, as amended), CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP, as amended, would fully mitigate Project impacts of the taking on the Covered Species and would not jeopardize the continued existence of the Covered Species.

On July 31, 2018, Permittee submitted a written request to further amend the ITP, as amended, to allow for the destruction and/or blockage of SJKF natal dens through implementation of a SJKF Natal Den Disturbance Plan that is pre-approved by CDFW. In an email dated August 22, 2018, the request was updated to include information that addressed all the items required of an ITP application included in California Code of Regulations, title 14, sections 783.2 and 783.3.

This Major Amendment No. 5 (Amendment No. 5) makes the following changes to the existing ITP.

Amendment No. 5 updates the Permittee contact information, adds construction of replacement artificial SJKF dens to the Project Description, updates the impact analysis to include disturbance to natal SJKF dens, adds a new Condition of Approval requiring submittal of a SJKF Natal Den Disturbance Plan for CDFW pre-approval, and modifies Conditions of Approval to allow for implementation of the SJKF Natal Den Disturbance Plan.

AMENDMENT

The ITP, as amended, is further amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The Permittee contact information, page 1, shall be amended to read:

Permittee: California Flats Solar, LLC

Principal Officer: ~~Brian Kunz~~ **Justin Johnson – President**

Contact Person: ~~Scott Dawson, (949) 394-9175~~
Anand Narayanan, (480) 653-8450

Mailing Address: ~~135 Main Street, 6th Floor~~
~~San Francisco, California 94105~~
8800 North Gainey Center Drive, Suite 250
Scottsdale, Arizona 85258

2. The Project Description shall be modified by adding a Covered Activity to the end of the Construction Period list on page 4 and shall be amended to read:

- ***Construction of San Joaquin kit fox artificial escape and chambered dens per specifications contained in the CDFW-approved San Joaquin Kit Fox Natal Den Disturbance Plan.***

3. The Impacts section of the ITP, page 6, shall be amended to read:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include the following: grubbing and grading and construction of temporary laydown and staging areas, permanent O&M buildings, substations, a switching station, and access roads; trenching for underground electrical and communication cables and wires; excavation for transmission pole footings, temporary water storage ponds, and solar modules; installation of a temporary above-ground water pipe; mowing and/or disking and rolling for site preparation; installation of permanent solar modules, fencing, and overhead transmission lines; construction of new access roads (including new water crossings); improvements to existing access roads (including new/improved water crossings); relocation ***and den excavation and/or blockage*** activities related to Covered Species as required by this ITP and salvage of Covered Species habitat (top soil and seed bank removal and replacement); ground-disturbing O&M activities; and decommissioning activities (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as grubbing, grading, excavating, mowing, disking and rolling; installation of solar modules, transmission line poles, fencing poles, underground cables and wires, above

ground wires; construction of O&M buildings, substations, a switching station, new roads, new water crossings, an above ground pipeline; modification of existing roads and existing water crossings; vehicle strikes; and ground-disturbing O&M and decommissioning activities through crushing or entombment of individuals. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, and capture of the Covered Species from relocation **and den excavation and/or blockage** activities required by this ITP. Indirect take may occur during road improvements, new road construction, and temporary pond construction by reducing reproductive success through the disruption of surface flows and reduction of ponding duration in potential CTS breeding ponds. **Indirect take may occur during excavation or blockage of SJKF dens, including natal dens, by increasing energy expenditure and reducing reproductive success.** The areas where authorized take of the Covered Species is expected to occur include the 2,536.60-acre Project site that includes the 2,190-acre SDAs, 151.1-acre utility corridor, 135.5-acre transmission line corridor, and 60-acre access road (collectively, the Project Area).

4. A new Condition of Approval 7.10, page 14, shall be added and shall read:

SJKF Natal Den Disturbance Plan. Permittee shall provide CDFW with a SJKF Natal Den Disturbance Plan for review and written approval from CDFW prior to excavation or blockage of any SJKF natal den. The natal den disturbance plan shall include at a minimum: (1) den vacancy monitoring protocol; (2) determination of need for excavation; (3) timing for excavations; (4) den replacement strategy and specifications; (5) a replacement den monitoring plan; and (6) a replacement den maintenance plan.

5. MMRP:

A new MMRP Measure 43, page 11, shall be added and shall read the same as above. Subsequent MMRP Measure numbering shall be amended to increase accordingly.

6. Condition of Approval 8.8, pages 16 and 17, shall be amended to read:

SJKF Den Avoidance. Permittee shall ensure avoidance of SJKF dens in the following manner: (1) if a potential SJKF den (one that shows no evidence of current or past use) is discovered or a SJKF is found in an "a-typical" den (e.g., a pipe or culvert), a 50-foot buffer shall be established around each den opening using flagging; (2) if a known SJKF den (one that does show evidence of current or past use) is discovered, a buffer of at least 100 feet shall be established using

SJKF-permeable fencing; (3) if a natal den (den in which SJKF young are or have been reared) is discovered, a buffer of at least 200 feet shall be established using SJKF-permeable fencing; and (4) if a natal dens with pups is discovered a buffer of at least 500 feet shall be established using SJKF-permeable fencing. Permittee shall restrict equipment and personnel entry into buffer zones. Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately by telephone or e-mail if any of the four types of SJKF dens are discovered. **Permittee shall avoid destroying SJKF dens unless they are in an area of direct and permanent ground alteration (e.g., grading area, building footprint). Dens located in areas of direct and permanent ground alteration shall be excavated pursuant to Condition of Approval 8.9. If dens (excluding natal dens) are located in a solar array footprint that would not be graded or in other areas of temporary disturbance where the buffer cannot be maintained and the Designated Biologist has determined the den to be unoccupied, the den shall remain intact and the Designated Biologist(s) shall block the den entrance(s) with sandbags or other material pre-approved in writing by CDFW to prevent SJKF from utilizing the den during disturbance activities. The blockage (material at entrance removed) shall be removed within 24 hours after the disturbance activities have been completed within the buffer and when the Designated Biologist(s) determines that resumed use will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. Blockage or destruction of natal dens shall occur in accordance with the CDFW-approved SJKF Natal Den Disturbance Plan (Condition of Approval 7.10).**

7. MMRP:

The corresponding MMRP Measure 50, page 13, shall be amended to read the same as above.

8. Condition of Approval 8.9, page 17, shall be amended to read:

SJKF Den Excavation. The Designated Biologist may destroy **an active, non-natal** den within the portion of the Project Area to be disturbed, that cannot be avoided as per ITP Condition of Approval 8.8, if, after five consecutive days of monitoring with tracking medium and infrared cameras, the Designated Biologist(s) has determined that SJKF is not currently present. Any hole 3 inches or larger and exhibiting no signs of SJKF use or characteristics suggesting it is a SJKF den, may be excavated under the supervision of the Designated Biologist(s) without advance tracking and camera monitoring. **The Designated Biologist may excavate or**

temporarily block natal dens when they cannot be avoided per Condition of Approval 8.8 and per the CDFW-approved SJKF Natal Den Disturbance Plan (Condition of Approval 7.10) and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den destruction shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals are inside. Dens to be destroyed shall be fully excavated, filled with soil, and compacted to ensure that SJKF cannot reenter or use the den during the ~~construction period~~ ***ground disturbing activities***. Permittee shall contact CDFW and the USFWS and get written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction or blockage if an individual SJKF does not vacate a ***non-natal*** den ***in an area to be disturbed that cannot be avoided per Condition of Approval 8.8*** ~~in the Work Area~~ within a reasonable timeframe.

9. MMRP:

The corresponding MMRP Measure 51, page 13, shall be amended to read the same as above.

All terms and conditions of the ITP, as amended, and MMRP, as amended, that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of Amendment No. 5 will not increase the amount of take of the Covered Species as compared to the Project as originally approved, and Amendment No. 5 will not increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: Amendment No. 5 makes five changes to the ITP as amended. It updates the Permittee contact information, adds a description of SJKF replacement den activities in the Project Description, adds replacement den construction in the Impacts section, adds a Condition of Approval requiring the submittal and CDFW approval of a SJKF Natal Den Disturbance Plan, and modifies Conditions of Approval to allow for the destruction and/or blockage of vacated SJKF natal dens through implementation of the CDFW-approved SJKF Natal Den Disturbance Plan. CDFW has determined that these changes will not significantly increase the amount of take or the severity of other impacts of the taking on the Covered Species and will provide replacement dens should a natal den need to be destroyed. Given the circumstances of this Project, CDFW

believes that the changes to the Conditions of Approval of the ITP, as amended, and described in Amendment No. 5 will not significantly increase impacts to the Covered Species.

Issuance of Amendment No. 5 does not affect CDFW's previous determination that issuance of the ITP, as amended, meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in October 2015 that the Project, as approved, met the standards for issuance of an ITP under CESA. CDFW determined in July 2016, December 2016, August 2017 and March 2018 that Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4, respectively, to the ITP met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to Amendment No. 5 because the Project and ITP as amended: (1) will not increase impacts to Covered Species habitat; and (2) will provide a means to construct replacement SJKF dens should natal dens need to be destroyed to further minimize previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the Conditions of Approval of the ITP and MMRP, as amended, will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of Amendment No. 5.

Discussion: CDFW issued the ITP in October 2015 and issued Amendment No. 1 in July 2016, Amendment No. 2 in December 2016, Amendment No. 3 in August 2017 and Amendment No. 4 in March 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact report certified by Monterey County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that Amendment No. 5 represents a major change in the Project as originally approved; however, for the reasons explained above, CDFW concludes that Amendment No. 5 is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of Amendment No. 5.

CDFW finds that Amendment No. 5 is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: Amendment No. 5 updates the Permittee contact information, adds a description of SJKF replacement den activities in the Project Description, adds replacement den construction in the Impacts section, adds a Condition of Approval requiring the submittal and CDFW approval of a SJKF Natal Den Disturbance Plan, and modifies Conditions of Approval to allow for the destruction and/or blockage of vacated SJKF natal dens through implementation of the CDFW-approved SJKF Natal Den Disturbance Plan. These changes to the ITP, as amended will not: (1) significantly increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, as amended; (2) affect Permittee's substantive mitigation obligations under the ITP, as amended; (3) require further environmental review under CEQA; or (4) increase temporal impacts on the Covered Species. However, Amendment No. 5 will modify minimization measures in the ITP, as amended, but will result in equal or greater protection of the Covered Species. CDFW has determined that the change to the ITP, as amended, constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by Amendment No. 5 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of Amendment No. 5 by registered first class mail to CDFW at:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090

Attachment:

ATTACHMENT 1

Mitigation Monitoring and Reporting Program

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

12/10/18



Julie A. Vance
Regional Manager
Central Region

Amendment No. 5 (Major)
Incidental Take Permit 2081-2015-027-04
CALIFORNIA FLATS SOLAR, LLC
California Flats Solar Project

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee; (2) acknowledges receipt of the original ITP, as amended, and this Amendment No. 4; and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP, as amended.

By: _____



Date: _____

12/20/15

Printed Name: _____

JUSTIN D. JOHNSON

Title: _____

PRESIDENT

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CALIFORNIA ENDANGERED SPECIES ACT

INCIDENTAL TAKE PERMIT NO. 2081-2015-027-04

PERMITTEE: California Flats Solar, LLC

PROJECT: California Flats Solar Project

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP), as amended, and in attachments to the ITP, as amended, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

OBLIGATIONS OF PERMITTEE

Mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittee has the primary responsibility for monitoring compliance with all mitigation measures and for reporting to CDFW on the progress in implementing those measures. These monitoring and reporting requirements are set forth in the ITP itself, as amended, and are summarized at the front of the attached table.

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

CDFW may, at its sole discretion, verify compliance with any mitigation measure or independently assess the effectiveness of any mitigation measure.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Source, Implementation Schedule, Responsible Party, and Status/Date/Initials. The Mitigation Measure column summarizes the mitigation requirements of the ITP, as amended. The Source column identifies the ITP condition, as amended, that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining the status.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species, minimizing disturbance of Covered Species' habitat, and conducting all Covered Activities that may result in take of the Covered Species (i.e., burrow excavation, trapping, handling, relocating, etc.). Permittee shall obtain written approval of the Designated Biologist from CDFW before starting Covered Activities and if the Designated Biologist must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work (including O&M) in the Project Area.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	Before starting Covered Activities within the SDAs and along each part of the linear Work Areas (i.e., access route, transmission line corridor, and utility corridor) in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the SDAs or linear Work Areas.	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
8	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee / Designated Biologist	
9	Permittee shall provide CDFW with a CTS relocation plan prior to the start of Covered Activities for review and written approval from CDFW. The relocation plan shall include at a minimum: (1) the capture, handling, and relocation methods; (2) a map and legal description of the receiver site; (3) a comparison of the receiver site's and source site's soil, plant communities, and topography to demonstrate that the site is suitable; (4) a description of the CTS's existing (pre-Project) status on the receiver site (including density and distribution, if feasible); (5) a monitoring plan; and (6) identification of a wildlife rehabilitation center or veterinary facility. Only the approved Designated Biologist(s) are authorized to capture and handle CTS.	ITP Condition # 7.9	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 30 days prior to ground- or vegetation-disturbing activities during construction, O&M, or decommissioning periods for each Work Area. Surveys shall include 100 percent coverage of each Work Area and a 500-foot buffer for detection of Covered Species dens/burrows. All potential Covered Species burrows/dens detected shall be flagged and mapped. The Designated Biologist shall submit a report documenting the results of the pre-construction surveys to CDFW before starting ground- or vegetation-disturbing activities in each Work Area. Pre-construction surveys may not be possible for forced outages and other unanticipated emergencies (defined by potential for harm to persons, property or the environment) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities that result in ground or vegetation disturbance as soon as is practicable and shall survey for Covered Species dens or burrows within each Work Area and 500-foot buffer during the SJKF pupping season (February through May) or 50-foot buffer outside of the pupping season (June through January) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of any ground- or vegetation-disturbing forced outage or emergency activities. If any life stages (adults, eggs, or larvae) of CTS are found, the Designated Biologist(s) shall relocate them from the each Work Area in accordance with the CDFW-approved CTS Relocation Plan (Condition of Approval 7.9).	ITP Condition # 8.6	Before commencing ground- or vegetation-disturbing activities Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	To meet this requirement, the Permittee shall purchase 4,454.71 acres (of Covered Species credits (1,666 acres for CTS breeding and upland use and 4,454.71 acres for SJKF upland use) from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR provide for both the permanent protection and management of 4,454.71 acres (1,666 acres of which are suitable for CTS breeding and upland use) of Habitat Management (HM) lands pursuant to Condition of Approval 9.23 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below OR a combination thereof as approved by CDFW. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. Permittee shall also restore on-site 213 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.21 above.	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <ul style="list-style-type: none"> i) Land acquisition costs for HM lands identified in Condition of Approval 9.2 below, estimated at \$2,700.00/acre for 4,454.71 acres: \$12,027,717.00. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; ii) Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at \$535,580.60; iii) Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at \$332,664.60; iv) Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$1,028.68/acre for 4,454.71 acres: \$4,582,471.08. Long-term management funding is estimated initially for providing Security to ensure implementation of HM lands management. v) Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.4, estimated at \$9,000.00. vi) Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.21, calculated at \$5,000.00/acre for 213 acres: \$1,065,000.00. 	ITP Condition #9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	Covered Species Credits. Permittee shall purchase 4,454.71 acres of Covered Species credits (1,666 acres shall be suitable for CTS breeding and upland use and 4,454.71 acres shall be suitable for SJKF upland use) from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. OR	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
14	To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e)	ITP Condition #9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
15	Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition #9.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition #9.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition #9.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
18	Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition #9.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
19	Permittee shall provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and biological surveys. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition #9.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<p>The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 9.2.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition #9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	<p>The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).</p>	ITP Conditions #9.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	<p>After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p>	ITP Conditions #9.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Conditions #9.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
24	<p>Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment Fund:</p> <ul style="list-style-type: none"> • A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • The endowment shall be established assuming spending will not occur for the first three years after full funding. • For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Fund Manager and CDFW. 	ITP Conditions #9.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Conditions #9.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
26	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review, related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Conditions #9.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount</u>. The Security shall be in the amount of \$18,552,433.28. This amount is based on the cost estimates identified in Condition of Approval 9.1 above. <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. <u>Security Transmittal</u>. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
28	<p>To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.</p> <p>a) The Designated Biologist(s) may authorize biological monitors to assist in ITP compliance efforts, under the direct supervision of the Designated Biologists(s). The Designated Biologist(s) is responsible for assuring that any biological monitors working under his or her direct supervision is knowledgeable and experienced in the biology and natural history of the Covered Species, the Conditions of Approval of the ITP, the definition of "take" in CESA, and in implementation of standard avoidance and minimization measures used on construction projects in Covered Species' habitat.</p>	ITP Condition # 6.3	Entire Project	Permittee / Designated Biologist	
29	The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Designated Biologist	
30	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	ITP Condition # 6.7	Entire Project	Permittee	
31	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 6.8	Entire Project	Permittee	
32	Permittee shall prohibit the use of rodenticides within the Project Area. If animal pests need to be controlled, Permittee shall use humane methods such as live trapping. Permittee shall prohibit the use of other pesticides within Covered Species habitat or within 150 feet of aquatic Covered Species habitat, except where prior written authorization by CDFW is obtained.	ITP Condition # 6.9	Entire Project	Permittee	
33	Permittee shall prohibit all pets within the Project Area. All working dogs (livestock herding and scent-detection dogs) shall be under the control of a handler at all times when within the Project Area. Working dogs shall be immunized against rabies, parvovirus, and distemper and their immunization records submitted to CDFW prior to entering the Project Area.	ITP Condition # 6.10	Entire Project	Permittee	
34	Project-related personnel shall access the Project Area using existing routes, or new routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11.	ITP Condition # 6.14	Entire Project	Permittee	
36	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous waste from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site. Any hazardous materials stored on-site shall be the minimum necessary for Project implementation and shall be stored in contained areas that preclude exposure to wildlife.	ITP Condition # 6.15	Entire Project	Permittee	
37	Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.16	Entire Project	Permittee	
38	The Designated Representative shall immediately notify CDFW in writing if it determines the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Designated Representative	
39	The Designated Biologist shall be on-site daily when Covered Activities occur during the construction and decommissioning periods. The Designated Biologist shall be on-site daily when ground-disturbing O&M Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. During the construction and decommissioning periods, the Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed. During the O&M period, the Designated Biologist shall conduct compliance inspections each day that ground-disturbing O&M Covered Activities occur.	ITP Condition # 7.3	Entire Project	Designated Biologist / Designated Representative	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative. At the time of the ITP's approval, the CDFW Regional Representative is Lisa Gymer (Lisa.Gymer@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.4	Entire Project	Designated Representative / Designated Biologist / Permittee	
41	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than August 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; (7) results of any revegetation initiated and monitoring results (first 5 years); (8) information about other Project impacts on the Covered Species; and (9) a summary of all compliance monitoring associated with ground-disturbing O&M and/or decommissioning activities	ITP Condition # 7.5	Entire Project	Permittee	
42	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Designated Biologist / Permittee	
43	Permittee shall provide CDFW with a SJKF Natal Den Disturbance Plan for review and written approval from CDFW prior to excavation or blockage of any SJKF natal den. The natal den disturbance plan shall include at a minimum: (1) den vacancy monitoring protocol; (2) determination of need for excavation; (3) timing for excavations; (4) den replacement strategy and specifications; (5) a replacement den monitoring plan; and (6) a replacement den maintenance plan.	ITP Condition # 7.10	Entire Project	Permittee	
44	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.8	Entire Project	Permittee / Designated Representative / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) only except for the following activities: (1) planned and unplanned maintenance activities, repair and replacement, wiring, and testing that must occur after dark to ensure PV arrays are not energized; (2) interior use of the O&M facility; (3) unanticipated emergencies (defined by an imminent threat to life or a significant property interest), including forced outages and non-routine maintenance or repair requiring immediate attention; (4) security patrols; or (5) limited pre-sunrise and post-sunset use of the access roads for mobilization of construction personnel in accordance of Condition of Approval 8.23; or (6) pesticide application in and immediately around structures for nocturnal spiders and insects for which diurnal applications are ineffective. Permittee shall ensure: (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with extra caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10mph for non-emergency activities; and (3) that CDFW is notified as soon as possible and no later than 24 hours after commencement of any emergency nighttime O&M activities, except those occurring inside the O&M facility. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.	ITP Condition # 8.1	Entire Project	Permittee	
46	Permittee shall ensure that mobile equipment fueling and maintenance occur at least 100 feet from Covered Species dens, burrows, or potential aquatic breeding habitat. Permittee shall locate permanent and temporary equipment fueling and maintenance areas at a distance of at least 100 feet from Covered Species dens, burrows, or potential aquatic breeding habitat, and shall include permanent containment devices that will preclude fuel or other liquids from exiting the equipment fueling maintenance area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling locations.	ITP Condition # 8.2	Entire Project	Permittee	
47	Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on Covered Species habitat beyond the footprint of permanent or temporary Project facilities between sunset and sunrise. Permittee shall not use motion-triggered lighting (including visible spectrum and infrared) in solar panel arrays or elsewhere on the Project Area except within or at the perimeter of permanent and temporary buildings or covered assembly areas. Exterior, fixed lighting at all Project facilities shall be turned on only when people are present unless required by federal, state, or local law.	ITP Condition # 8.3	Entire Project	Permittee	
48	Workers shall inspect for Covered Species under all vehicles and equipment prior to moving. If a Covered Species is present, the worker shall wait for the Covered Species to move on its own to a safe location. Alternatively, the Designated Biologist(s) shall be contacted to determine if the animal may be safely moved within the conditions of the ITP.	ITP Condition # 8.4	Entire Project	Permittee	
49	During Project implementation, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. Permittee shall cease all work near the Covered Species until it is moved by the Designated Biologist(s) or it moves from the Project area of its own accord.	ITP Condition # 8.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	<p>Permittee shall ensure that perimeter fencing is installed around the solar panel arrays so it does not impede Covered Species movements. The Designated Biologist(s) shall accompany the fencing crew to ensure that Covered Species are not killed or injured during installation. Perimeter fencing shall consist of wire fencing designed to exclude deer, with openings graduated from 3-7 inches square and will be installed inverted, with the larger openings at the bottom to allow SJKF to pass through. Chain-link fencing may also be used if it is installed with a 6-7 inch gap from the bottom of the fencing material to the ground surface. The bottom of the fencing material shall be knuckled back. Alternate designs may be constructed with prior written approval from CDFW. If chain-link fencing is used within or to surround other areas outside of the solar array perimeter fencing (i.e., around substations, switching yards, O&M buildings, etc.), it shall be installed with the same bottom gap as described above or it shall be outfitted with plastic slats for the entire length of the internal fencing to avoid entrapment of SJKF.</p>	ITP Condition # 8.7	Entire Project	Permittee / Designated Biologist	
51	<p>Permittee shall ensure avoidance of SJKF dens in the following manner: (1) if a potential SJKF den (one that shows no evidence of current or past use) is discovered or a SJKF is found in an "a-typical" den (e.g., a pipe or culvert), a 50-foot buffer shall be established around each den opening using flagging; (2) if a known SJKF den (one that does show evidence of current or past use) is discovered, a buffer of at least 100 feet shall be established using SJKF-permeable fencing; (3) if a natal den (den in which SJKF young are reared) is discovered, a buffer of at least 200 feet shall be established using SJKF-permeable fencing; and (4) if a natal dens with pups is discovered a buffer of at least 500 feet shall be established using SJKF-permeable fencing. Permittee shall restrict equipment and personnel entry into buffer zones. Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately by telephone or e-mail if any of the four types of SJKF dens are discovered. Permittee shall avoid destroying SJKF dens unless they are in an area of direct and permanent ground alteration (e.g., grading area, building footprint). Dens located in areas of direct and permanent ground alteration shall be excavated pursuant to Condition of Approval 8.9. If dens (excluding natal dens) are located in a solar array footprint that would not be graded or in other areas of temporary disturbance where the buffer cannot be maintained and the Designated Biologist has determined the den to be unoccupied, the den shall remain intact and the Designated Biologist(s) shall block the den entrance(s) with sandbags or other material pre-approved in writing by CDFW to prevent SJKF from utilizing the den during disturbance activities. The blockage (material at entrance removed) shall be removed within 24 hours after the disturbance activities have been completed within the buffer and when the Designated Biologist(s) determines that resumed use will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. Blockage or destruction of natal dens shall occur in accordance with the CDFW-approved SJKF Natal Den Disturbance Plan (Condition of Approval 7.10).</p>	ITP Condition # 8.8	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	The Designated Biologist may destroy an active, non-natal den within the portion of the Project Area to be disturbed, that cannot be avoided as per ITP Condition of Approval 8.8, if, after five consecutive days of monitoring with tracking medium and infrared cameras, the Designated Biologist(s) has determined that SJKF is not currently present. Any hole 3 inches or larger and exhibiting no signs of SJKF use or characteristics suggesting it is a SJKF den, may be excavated under the supervision of the Designated Biologist(s) without advance tracking and camera monitoring. The Designated Biologist may excavate or temporarily block natal dens when they cannot be avoided per Condition of Approval 8.8 and per the CDFW-approved SJKF Natal Den Disturbance Plan (Condition of Approval 7.10). If the excavation process reveals evidence of current use by SJKF, then den destruction shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals are inside. Dens to be destroyed shall be fully excavated, filled with soil, and compacted to ensure that SJKF cannot reenter or use the den during ground-disturbing activities. Permittee shall contact CDFW and the USFWS and get written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction or blockage if an individual SJKF does not vacate a non-natal den in an area to be disturbed that cannot be avoided per Condition of Approval 8.8 within a reasonable timeframe.	ITP Condition # 8.9	Entire Project	Designated Biologist / Permittee	
53	Permittee shall avoid all burrows suitable for CTS by a minimum of 50 feet from each burrow opening. Permittee shall delineate avoidance buffers on the ground with flagging and maintain the buffers during construction activities in each Work Area.	ITP Condition # 8.10	Entire Project	Permittee / Designated Biologist	
54	All small mammal burrows identified during the Pre-Activity Surveys (Condition of Approval 8.6) which exist within 0.35 miles ¹ of potential CTS breeding habitat and which cannot be fully avoided by at least 50 feet shall be fully excavated under direct supervision by the Designated Biologist(s). The Designated Biologist(s) shall relocate any live CTS discovered during small mammal burrow excavation in accordance with the CTS Relocation Plan required in Condition of Approval 7.9. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Surveys as described in Condition of Approval 8.6.	ITP Condition # 8.11	Entire Project	Permittee / Designated Biologist	

¹ U. S. Fish and Wildlife Service. 2004. Endangered and threatened wildlife and plants; determination of threatened status for the California tiger salamander; and special rule exemption for existing routine ranching activities; Final Rule. Federal Register, Vol. 69:47212-47248.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	If Permittee initiates or extends Covered Activities into the CTS breeding season (December through May) and Covered Activities occur within 0.35 miles of a potential or known CTS breeding pond, the Permittee shall install CTS exclusion fencing around each active Work Area to prevent breeding adults from moving into the active Work Areas. Permittee shall have the fencing material and design reviewed and approved in writing by CDFW before installation. The exclusion fence shall be installed after all small mammal burrows inside the Work Areas are excavated by or under the direct supervision of the Designated Biologist(s) in accordance with Condition of Approval 8.11 to prevent entrapment of CTS within the active Work Areas. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 8.11 prior to commencing fence installation. If exclusion fence is not erected at a Work Area that is located in whole or in part within 0.35 miles of known or potential breeding habitat (Figure 3) outside the CTS breeding season (June through November), all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.17.	ITP Condition # 8.12	Entire Project	Permittee / Designated Biologist	
56	The Designated Biologist(s) shall accompany the fencing crew to ensure that CTS are not killed or injured during installation. Permittee shall construct the exclusion fence so its integrity is maintained under all weather conditions for the duration of the Covered Activities in each Work Area. Permittee shall inspect the exclusion fence at least once weekly during the non-breeding season and as needed, but at least daily during the breeding season (December through May) and maintain/repair the fence as necessary. The Designated Biologists(s) shall relocate any CTS found up against the exclusion fencing to prevent desiccation or predation in accordance with the CDFW-approved CTS Relocation Plan (Condition of Approval 7.9). Permittee shall remove the CTS exclusion fence immediately upon completion of Covered Activities in each Work Area.	ITP Condition # 8.13	Entire Project	Designated Biologist / Permittee	
57	The Permittee shall install the temporary aboveground water pipeline so it is off the ground at least 2 inches along its entire length to prevent obstruction of CTS movement.	ITP Condition # 8.14	Entire Project	Permittee	
58	The Permittee shall excavate temporary ponds used to store water for dust suppression or other construction purposes within the Project Area and no less than 500 feet from potential CTS breeding ponds as identified on Figure 3. Permittee shall fence the temporary ponds within the Project Area to completely exclude Covered Species. The fence shall be at least six feet tall, buried at least two feet deep, and be fine enough at the bottom to exclude Covered Species. The design of the fencing shall incorporate a fine woven wire stainless steel mesh material for the base section that has openings no more than ¼-inch in size. This bottom portion shall be buried below grade a minimum of 24 inches, and shall extend up above grade 36 inches. At the top of this portion of the fence, a jump and climb barrier shall be installed. The barrier shall be constructed of solid material sloped downward, out at least 12 inches from the vertical plane of the fence. Above this fine mesh section, a standard chain-link fence shall complete the fence up to the required six-foot height. The Designated Biologist shall inspect the pond exclusion fencing daily during construction activities and Permittee shall maintain the fencing until the ponds are removed.	ITP Condition # 8.15	During Construction Period	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
59	The Designated Biologist shall document the following information upon all Covered Species captures, relocations, and observations: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. The Designated Biologist shall also include this information in the Quarterly Compliance and ASR.	ITP Condition # 8.16	Entire Project	Designated Biologist	
60	The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where CTS exclusion fencing has not been installed until a zero percent chance of rain is forecast. The Permittee may continue work 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Work Areas that have been cleared of CTS and enclosed with CTS exclusion fencing, in accordance with Conditions of Approval 8.12 and 8.13, may continue Covered Activities during rainfall events	ITP Condition # 8.17	Entire Project	Designated Biologist	
61	The Permittee and Designated Biologist(s) shall follow the, <i>Declining Amphibian Populations Task Force Fieldwork Code of Practice</i> (Attachment 2), at all times to ensure that disease is not conveyed between Work Areas. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) shall ensure that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 8.18	Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<p>To prevent the inadvertent entrapment of Covered Species and other animals, the Designated Biologist(s) shall:</p> <ul style="list-style-type: none"> Inspect all excavations (covered or open) for entrapped animals at the beginning, middle, and end of each day until the excavation is backfilled, including weekends and any other non-work days; Inspect all excavated holes and trenches for animals immediately before the excavation is backfilled; From October 15 until all CTS breeding ponds within 1.16 mile of the Project are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 70 percent chance of precipitation at the Project within 72 hours, ensure all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between six (6) inches and four (4) feet deep shall be covered when workers or equipment are not actively working in the excavation or shall have escape ramps of earth or a non-slip material no less than 12 inches in width with a less than 1:1 (45 degree) slope. Earthen ramps shall be installed at minimum 100-foot intervals and plywood coverboards shall be placed in the bottom of the excavations midway between each ramp. If the excavation is an uncovered trench, then Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate CTS movement in both directions with the installation of coverboards between ramps; Ensure that from October 15 until all potential CTS breeding sites within 1.16 miles of the Project are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 70 percent chance of precipitation within 72 hours, no more than 12,000 linear feet of trench within 1.16 miles of each breeding site remain uncovered overnight. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the excavation covers are treated as discussed herein for excavations that are greater than 4 feet deep. If Permittee elects to leave excavations uncovered overnight within 1.16 miles of potential CTS breeding sites, then plywood coverboards shall be placed in the bottom of the trench at 100-foot intervals and a Designated Biologist, or Biological Monitor working under a Designated Biologist's direct supervision, shall inspect the trench and coverboards each morning and relocate all CTS found within 1 hour after sunrise. No more than 12,000 feet of trench shall be left uncovered overnight per Designated Biologist or Biological Monitor available for the morning survey; 	ITP Condition # 8.19	Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<ul style="list-style-type: none"> From the time that all potential CTS breeding sites have dried until October 14, within 1.6 miles of a potential CTS breeding site and at all times outside the 1.6 miles of a potential CTS breeding site, except when the National Weather Service forecasts a minimum 70 percent chance of precipitation within 72 hours, ensure that excavations 4 feet deep or less that are left open are outfitted with earthen escape ramps with a minimum of one escape route per excavation. For excavations larger than 100 feet in length or width, one escape ramp shall be installed per end or the excavation shall be covered as described herein for excavations greater than four feet deep. At all times of the year, ensure all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than four feet deep shall be either surrounded by CTS exclusion fencing that is set back ten (10) feet from the edge of the trench, hole, or other excavation and outfitted with escape ramps of earth or a non-slip material no less than 12 inches in width with a less than 1:1 (45 degree) slope, <u>or</u> covered when workers or equipment are not actively working in the excavation and at the end of each work day; Ensure two feet of hardware cloth (or another material approved in advance by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the excavation covers. The hardware cloth shall be secured to the edge of the excavation cover and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the hardware cloth and the ground. Covering gaps with dirt or laying the hardware cloth on loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10 inch soil staples, or similar means every 12 inches to prevent animals from lifting the edges; and The Designated Biologist(s) shall notify CDFW by telephone and e-mail within one working day if at any time a trapped or injured animal is discovered 				
63	The Permittee shall ensure that all construction pipes, culverts, or similar structures with a diameter of 1 inch or greater that are stored at the construction site for one or more overnight periods will be thoroughly inspected for Covered Species before the pipe is subsequently moved, buried, or capped. If a Covered Species is discovered inside a pipe during inspection, that section of pipe shall not be moved until the animal has escaped on its own or moved in accordance with Condition of Approval 7.9 or 8.9.	ITP Condition # 8.20	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
64	<p>Within six months of issuance of the ITP, the Permittee shall prepare a Vegetation Management, Habitat Restoration, and Re-vegetation Plan (Plan) to facilitate revegetation of the 213 acres of temporary construction disturbance on-site, and shall ensure the Plan is successfully implemented by the contractor. Permittee shall submit the Plan to CDFW for review and written approval prior to the start of Covered Activities. Permittee shall restore the ground and vegetation to a condition conducive to Covered Species recolonization. Permittee shall ensure the Plan includes the following requirements, at a minimum:</p> <ul style="list-style-type: none"> • Identification of the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet; • Description of surface grading needed to match adjacent low-relief areas; • Description of how the native topsoil from the Project Area and/or seed will be applied over the area to establish suitable vegetation for Covered Species; • A grazing plan, including residual dry matter sampling techniques and frequency; • Fire control actions; • Invasive plant species removal methods; • Seed mix and shrub species to be used and planting method; • Restoration actions and supplemental watering regime; • Success criteria for revegetation efforts; • Five-year monitoring plan; and • Contingency plan if criteria are not met to ensure upland habitat suitability for Covered Species. <p>If the temporary impact lands have not returned to pre-Project conditions five years after completion of the Project, additional mitigation and an amendment to the ITP may be required.</p>	ITP Condition # 8.21	Within 6 months of issuance of the ITP	Permittee	
65	<p>If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. The Permittee shall identify the facility before starting Covered Activities. The Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 7.8. Notification shall include the name of the facility where the animal was taken.</p>	ITP Condition # 8.22	Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
66	Permittee shall ensure that use of access roads during night work hours for the deployment of construction personnel shall not commence or conclude outside of the following time frames: (1) 5 AM through 7 AM at all times of the year; (2) 5 PM through 7 PM during October 1 through May 31 (e.g., during winter months); and (3) 7 PM through 9 PM during June 1 through September 30 (e.g., during the summer months). The following restrictions shall apply at all times during night work hours: (1) a 10 mile per hour (mph) speed limit shall be followed along the length of the access roads; (2) a 5 mph speed limit shall be followed through all established sensitive area buffers; and (3) CDFW-approved Designated Biologist(s) or Biological Monitor(s) shall be staged at all potentially sensitive areas (where SJKF are known or suspected to be present and within 0.35 mile of a potential CTS breeding pond) to monitor for the presence of Covered Species and speed limit compliance and to stop traffic or reduce speed limits further as necessary.	ITP Condition # 8.23	Entire Project	Permittee / Designated Biologist/ Biological Monitor	
POST-CONSTRUCTION					
67	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all fill material and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.17	Post-construction	Permittee	
68	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	
69	The Permittee shall restore the 213 acres of Covered Species habitat that will be temporarily disturbed to pre-Project or better conditions.	ITP Condition # 8.21	Post-construction	Permittee	
70	CDFW accepts the Final Mitigation Report as complete.	Effective Date	Post-construction and after completion of mitigation	CDFW	