State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

September 21, 2017

Mr. Todd Hopper
Altamont Winds, LLC
402 W. Broadway, Suite 400
San Diego, CA 92101

Dear Mr. Hopper:

Subject: Incidental Take Permit for Summit Wind Repower Project, Alameda County, 2081-2016-053-03

Enclosed you will find two originals of the Incidental Take Permit for the above referenced project, which have been signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement on both copies of the permit, and return one original no later than 30 days from CDFW signature and prior to initiation of ground-disturbing activities to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

You are advised to keep the other original signature permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The permit will not take effect until the signed acknowledgment is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Ms. Marcia Grefsrud, Environmental Scientist, at (707) 644-2812; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541.

Sincerely,

Scott Wilson
Regional Manager
Bay Delta Region

Enclosures

cc: California Department of Fish and Wildlife
Ryan Mathis – Habitat Conservation Planning Branch, Sacramento
Marcia Grefsrud – Bay Delta Region, Napa
Brenda Blinn – Bay Delta Region, Napa
Craig Weightman – Bay Delta Region, Napa

California Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558

California Endangered Species Act
Incidental Take Permit No. 2081-2016-053-03

SUMMIT WIND REPOWER PROJECT

Authority: This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take[1] of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.[2] CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	**Altamont Winds, LLC**
Principal Officer:	**Jiddu Tapia, Executive Officer**
Contact Person:	**Todd R. Hopper, (202) 569-9641**
Mailing Address:	**402 W. Broadway, Suite 400** **San Diego, CA 92101**

Effective Date and Expiration Date of this ITP:
This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2022**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.9 of this ITP.

[1]Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' … means to catch, capture or kill"].)

[2]"The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

Project Location:
The Summit Wind Repower Project (Project) is located north of Interstate 580 (I-580) on the western side of California's Central Valley east of Livermore within Alameda County (See Figure 1). The Project boundary consists of approximately 3,302 acres encompassing all or portions of 16 land ownership parcels. All parcels are part of the existing old wind energy facility. The Project area includes the entire 3,302-acre site located in portions of the Byron Hot Springs and Altamont U.S. Geological Survey (USGS) 7.5 minute quadrangles [Township 2 South, Range 2 East and 3 East, within portions of Sections 5-8, 12, 17-20, 30, and 31 (Mt. Diablo Meridian)] as well as the proposed grading disturbance along the private Vasco Winds Road to the north of the site. The central portion of the Project area is located at 37°45' 08.42" north latitude and 121°41'11.94" west longitude.

Site access will be from local roads via existing gates to the north, east and south of the existing facility. The Project will improve access at gates inside and around the site. Altamont Winds (Permittee) maintains existing long-term agreements (easements and wind leases) with landowners to develop the Project site, and access to the site is allowed under these existing agreements.

Project Description:
The Project includes installation of up to 26 new more efficient wind turbine generators (WTG), improvements to related infrastructure and roads within an existing decommissioned wind site, and removal of existing below grade turbine foundations that obstruct placement of Project facilities. The Project includes building new access roads, widening existing roads, constructing new laydown yards, installing underground electrical collector lines, installing culverts on stream crossings, conducting horizontal directional drilling, installing meteorological towers, and improving related infrastructure.

The Project site is within an existing decommissioned wind site. Prior decommissioning activities conducted at the site included cut back and burial of existing WTG foundations. However, foundations were not fully excavated and removed. Therefore, the Project will include removal of existing below grade WTG foundations on an as-needed basis; only those that obstruct placement of Project facilities.

The following disturbance areas are expected to be permanent or temporary facilities:

- All three temporary laydown yards will be deemed permanent facilities due to the difficulty of restoring these compacted areas.
- All 20-foot dirt shoulders (10 feet on each side) along main roads will be deemed permanent facilities due to the difficulty of restoring these areas.
- All 20-foot dirt shoulders (10 feet on each side) along secondary roads will be deemed temporary facilities.

Turbine Pad and Foundation Construction. Once the roads are installed, WTG foundations will be constructed. A geotechnical report will be prepared to identify the appropriate WTG foundation design. Pending completion of the geotechnical analysis, each foundation is expected to require an excavation of up to approximately 8 to 10 feet deep and up to 60 feet in diameter, with foundations constructed of steel-reinforced concrete. Concrete for the foundations will be provided from an on-site temporary batch plant and transported using concrete trucks. After each foundation has cured, it will be buried and backfilled with the material excavated from that site. The top of the foundation will be a pedestal that rises approximately one-foot above grade. A rectangular area approximately 65 feet by 130 feet will be developed at the base of each WTG tower as a gravel crane pad.

Turbines will likely be delivered to the site from the Port of Stockton or other nearby feasible port or rail transfer location. The WTG towers, nacelles, and rotor blades will be delivered to each foundation site and unloaded by crane. A large track-mounted crane will be used to hoist the base tower section vertically, and then lower it over the threaded foundation bolts. The large crane will then raise each additional tower section to be bolted through the attached flanges to the lower tower section. The crane will then raise the nacelle, rotor hub, and blades to be installed atop the towers. Two smaller wheeled cranes will be used to offload WTG components from trucks and to assist in the precise alignment of the tower sections. Tower erection will require the use of one large track-mounted crane and two small cranes.

Roadway Improvements. Existing roads will be used for Project construction and operations to the extent possible. The existing internal site roadway system primarily consists of gravel access roads. Existing roads, maintained to facilitate ongoing operations and maintenance (O&M) and decommissioning activities, are up to 16 feet wide. The WTGs have equipment transport and crane requirements that dictate required roadway widths and grades and turning radii. Access and WTG delivery will occur along Altamont Pass Road, Dyer Road, and Goecken Road in Alameda County. Access and WTG delivery to the northern portion of the Project area will occur via existing Gate 24 off of Vasco Road within Contra Costa County. Project construction will require interior site road work. The Project roads described below are designed to minimize disturbance, avoid sensitive resources (for example, cultural resource sites and wetlands), and maximize transportation efficiency.

Road Grading and Installation. To allow safe passage of the large transport equipment used in construction, all-weather gravel roads will be built with adequate drainage and compaction to accommodate equipment transport vehicles. After sensitive areas have been identified and marked, initial road grading will commence. Project roads will include Project access roads and interior Project roads. The roads needed for temporary construction access will be graded, as necessary, for use. The proposed permanent roads will be constructed to Alameda County standards for gravel roads. Cut materials will be used as fill on-site during the construction process, and no material will be disposed of off-site. General cut-and-fill slopes will be at a ratio of 2:1. The final location of the road and the cut-and-fill volumes will be based on grading, construction, and environmental permitting requirements, topography, and sound engineering principles. The construction-related assumptions for roads are listed below.

Interior Project Roads. Interior Project roads will have temporary construction widths of up to 36 feet wide, which includes a maximum 16 foot width plus two 10-foot shoulders. After construction, the permanent access roads will be established and the remaining temporary disturbed area will be reclaimed. Based on existing topography and required design criteria, the Project's new gravel access roads will be constructed (and existing roadway alignments will be redesigned) to gain access to the new WTG locations. Specifically, the Project's interior road system will follow existing roadway alignments where possible. However, grade adjustments will be required in most locations to accommodate maximum grades as required by the WTG manufacturers. The maximum road grade on access roads used during construction will be approximately 10 percent.

Drainage culverts (new or upgrade of existing) will be installed (or removed) in accordance with Alameda County standards. Primarily, these culverts will be installed to divert water away from areas where drainage swales intersect with roadways, thus preventing high stormwater flows from crossing road surfaces.

Passing Areas. Temporary passing areas will be provided along one-way roadways approximately every 2,500 feet to facilitate safe passing of traffic through the site interior. Up to 50 percent of the turnout areas developed during construction will be maintained to support safe passing for subsequent O&M traffic within the interior road system. The remaining turnouts and turnaround areas will be reclaimed and temporary shoulder areas will be restored. Temporarily disturbed areas will be restored in accordance with the Project's reclamation plan.

Final road shaping will be completed to ensure proper water flow away from cut-and-fill slopes and into ditches and culverts. Erosion control devices will also be installed or completed, disturbed areas adjoining the roads will be restored, and the appropriate erosion control devices will be installed.

When construction is complete, roads will be left in place or restored depending on whether they will be needed to provide access for O&M. When construction has been completed, roads that will be left in place to provide access for O&M will be inspected and graded where low spots and ruts have occurred. Culverts will be left in place and the road edges will be restored.

Improvements at Local Access Roads. Project ingress/egress to the southern and central portion of the site will be via Altamont Pass Road, Dyer Road, and Goecken Road within Alameda County. Project ingress/egress to the northern portion of the Project area will be via Vasco Road within Contra Costa County. The existing paved entrance on Vasco Road at Gate 24 will remain as is. The private roads beyond the gate are graveled, are 16-feet wide, and generally have wide shoulders on each side. Grading is required to widen the roads in some areas to a maximum 36-foot width and 12 percent road slope. No public road improvements are anticipated to be needed.

Power Collection, Interconnection, and Transmission

Collector Lines. The power collection system will consist of medium-voltage, high-density, insulated underground cables that will connect the WTGs to the two existing substations, which will be rebuilt, within the Project site. The underground collection cables are generally buried in parallel trenches located adjacent to the roadbed of the interior access roads.

Trenching equipment will be used to excavate trenches in or near the access roadbed for installation of the insulated underground cables that will connect each turbine to the substation. The trenches are typically 2 to 24 inches wide and 48 inches deep, but their depth and number will be determined ultimately by the size of the cable required and the thermal conductivity of the soil or rock surrounding the trench. The large conductor cables will be placed within the trenches, packed in sand or native materials depending on the soil properties, and covered to protect the cables from damage or possible contact. Optical fiber communication links and communication lines for turbine performance remote-sensing equipment will be placed in the same trenches as the conductor cables. In locations where two or more sets of underground lines converged, pad-mounted switch panels will be used to tie the lines together into one or more sets of larger feeder conductors. The accumulated cables from the individual arrays will be spaced 10 feet apart on either side of the road system in "home runs" to the off-site substation. The specific locations of the buried infrastructure will be recorded in as-built Project diagrams that will be developed at the end of the construction period. Because a significant portion of the underground collection cables will be installed parallel to and within the footprint of areas temporarily disturbed by road construction, installation of the collection system is only expected to result in minimal additional temporary disturbance within the Project area. In areas where collector

lines are unable to follow the road construction and must travel cross-country, the disturbance area for the trenches will be up to 15 feet in width per linear foot.

Collector Substations. The existing on-site substations (Dyer and Frick) serve as the collector substations for the existing windfarm. These substations will be replaced by others in the same location. The substations will consist of a graveled footprint area of approximately 1 to 2 acres, a 12-foot chain-link perimeter fence, and an outdoor lighting system. Lights will be shielded or directed downward to reduce glare. Construction of the substations will entail a total disturbance area of up to 6 acres. Of these 6 acres, 3 acres will be disturbed temporarily during construction and will be restored after construction is complete. The remaining 3 acres will be permanently disturbed. Additionally, an existing Pacific Gas and Electric Company (PG&E) riser pole located adjacent to the existing on-site Dyer Road Substation will be replaced by PG&E as part of the Project. The new PG&E riser pole will be positioned in the same location as the existing pole within an existing disturbed area.

Transmission Interconnect Lines. An existing transmission line extends from the existing substations. The transmission line will not need modifications to connect to the rebuilt substations. The transmission route and termination point are existing.

Meteorological Towers. Up to two new free-standing monopole meteorological towers will be installed as part of the Project. Each free-standing tower will be mounted on a circular pier or slab foundation surrounded by a circular area of gravel to a radius of about 15 feet.

Staging and Laydown Areas. The Project includes three temporary construction laydown yards (for storage of Project components and equipment) and 26 additional WTG laydown areas (one at each WTG location) for offloading and storage of the tower components).

Construction Laydown Yards. Up to three temporary laydown yards will be used during construction. The laydown yards averaging approximately 4 acres in size will be used for the storage of WTG components, construction equipment, office trailers, and other supplies including hazardous materials. The batch plant, rock crusher, and associated fuel and water tanks will be co-located within the disturbed area footprint of one of the laydown yards. On-site mobile trailers will be located within the laydown yards to support workforce needs and site security. The mobile trailers also will house a first aid station, emergency shelter, and hand tool storage area for the construction workforce. Vegetation will be cleared and each construction laydown yard will be graded so that it will be level. The laydown yard will then be covered with a 6-inch gravel surface and a one-foot-high earthen berm or other appropriate erosion control device, such as silt fences and straw bales, will be installed to contain water runoff. Diversion ditches will be installed, as necessary, to prevent stormwater from running onto the site from surrounding areas. Following completion of construction activities, the Permittee may retain one or more of the temporary construction laydown yards for use by wind energy center operations personnel. Any temporary laydown yards not retained for operation use will be restored by removing the gravel surface, followed by as-needed recontouring, replacement of stockpiled topsoil and reseeding with an approved seed mix.

Wind Turbine Generator Staging Areas. A WTG staging area will be constructed at each of the 26 new WTG pads to accommodate offloading and storage of the tower sections, nacelle, rotor hub, and blades, as well as some construction equipment. Each WTG staging area will occupy an approximately 0.5-acre area. The WTG staging areas will include a compacted, earthen crane pad

within the 0.5-acre area. The crane pad will be approximately 65 feet wide (constructed adjacent to the turbine access road) to allow a large, track-mounted crane to gain access to the turbine foundations. The laydown areas must be level or near-level, and vegetation clearing or grading will be required to achieve these conditions. The crane pad must be nearly flat to allow the crane to lift the large and extremely heavy turbine components safely. The crane pad will be constructed using standard cut-and-fill road construction procedures. The actual dimensions of the individual WTG staging areas is based on site topography and the need to minimize cut and fill. Construction access to this area will be limited to wheeled vehicles.

Topsoil Recovery and Use. Recovery and use of salvaged topsoil by the Project is expected to be instrumental in the timely restoration of temporarily affected construction areas including main and secondary road shoulders. Where applicable and consistent with the Project's geotechnical report, topsoil containing native seed bank will be stripped and stockpiled at the grading limits to be used during the restoration phase of construction. Salvaged topsoil will be applied at a depth ranging up to 8 inches with a minimum depth of no less than 4 inches, and supplemented with a native seed mix. Surplus topsoil will be used where necessary to enhance restoration efforts of high activity areas such as the laydown yards and shoulders of main access roads. Project restoration is anticipated to be completed for most Project areas by no later than October 31, for each year that construction occurs, for the high-activity areas such as the laydown yards and main access roads. Please read further below for more information on the Project's restoration activities.

Cleanup and Restoration. Clearing and disposing of trash, debris, and scrap on those portions of the site where construction will occur will be performed at the end of each work day through all stages of construction. Existing vegetation will be cleared only where necessary. Excavations made by clearing will be backfilled with compacted earth and aggregate as soon as cable infrastructure is tested. Disposal of cuttings and debris will be in an approved facility designed to handle the waste.

Before construction is complete, remaining trash and debris will be removed from the site. Temporarily disturbed areas will be restored and any debris will be removed and properly disposed of off-site, consistent with Alameda County restoration requirements, and as described in a Reclamation Plan that will be developed before construction as part of the construction planning and permitting process. Any material placed in the areas of the foundations or roads will be compacted as required for soil stability.

Table 2-1. Area of Project Components
Summit Wind Repower Project

Facilities	Unit of Measurement	Number of Units	Total Approximate Acres
Permanent Facilities			
WTG pads	40-foot diameter gravel aprons occupied by new WTGs and transformers	26	0.75
Primary roads, new	36 square feet disturbed area per linear foot of road	42,548.44	35.16
Secondary roads, new	16 square feet disturbed area per	25,798.41	9.48

Table 2-1. Area of Project Components
Summit Wind Repower Project

Facilities	Unit of Measurement	Number of Units	Total Approximate Acres
	linear foot of road		
Laydown Yard	acres	3	9.34
Met towers	0.20 acres per met tower	2	0.40
Overlap with existing roads[a]			-12.78
Total Permanent Facilities			**42.35**
Removal of Existing WTG Pads			0.92
Total Permanent Impacts			**43.27**
Temporary Facilities			
Cut and Fill	acres	--	151.75
WTG staging area	0.5 acre at each WTG site	26	13.00
Underground collection line (cross country routes)[b]	15 square feet disturbed area per linear foot of trench	--	8.52
Overlap with existing roads[a]			-20.28
Total Temporary Facilities			**152.99**
Removal of Existing WTG Pads			4.24
Total Temporary Impacts			**157.23**

[a] The Project will use as much of the existing wind facility footprint as feasible, thereby reducing the net total of new impacts on the environment.

[b] The underground collection line will mostly be buried along new access roads and thus is part of the access road permanent facility area. The acreage provided in this table corresponds to the cross-county segments of the collection line.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. California tiger salamander (*Ambystoma californiense*)	Threatened[3]
2. San Joaquin kit fox (*Vulpes macrotis mutica*)	Threatened[4]

These species and only these species are the "Covered Species" for the purposes of this ITP.

[3] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).
[4] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

Impacts of the Taking on Covered Species:
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: transport of supplies and workers to and from the Project, storage of construction materials and equipment on site, grading, trenching, augering, horizontal directional drilling and other earthmoving activities associated with construction, reclamation, re-contouring and restoration activities, vegetation management, pond monitoring, and/or relocation activities prescribed by this ITP (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 destruction of burrows and dens that the Covered Species inhabit, by being crushed under moving vehicles and equipment, disturbance in the vicinity of dens or burrows. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of capture of the Covered Species from relocation of the Covered Species to minimize the potential of mortality. Relocation could, absent implementation of protective measures, result in mortality, injury, and/or disease transmission to Covered Species by individuals involved in the relocation effort. The areas where authorized take of the Covered Species is expected to occur include: any location within the Project or along access routes (collectively, the Project Area).

The Project is expected to cause the permanent loss of 43.27 acres of habitat for the Covered Species, and temporary loss of 157.23 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts).

The permanent impacts to upland habitat will result from construction of new roads, construction of main (three) laydown yards, installation of turbine pads, installation of culverts, and installation of meteorological towers. Permanent impacts resulting from road construction include the 36-foot-wide gravel surfaces on main access roads and 16-foot-wide gravel surfaces of interior (secondary) roads. The main laydown yards and shoulders of main access roads will be restored; however, these areas are considered permanent impacts due to the difficulty of completely restoring these highly-compacted areas.

The temporary impacts to upland habitat will result from the cut/fill of roads, construction of new turbine staging areas, installation of underground collection lines, and reclamation of existing turbine pads. Turbine pads and road shoulders along secondary roads will be reclaimed with topsoil and a seed mix will be applied immediately after turbine construction is complete.

Indirect impacts to aquatic habitat (stock ponds SP-16 and SP-17) may occur as a result of their close proximity to construction sites (less than 50 feet away). Permittee performed a hydrological analysis of SP-16 and SP-17 to assess potential changes in pond habitat function due to drainage area changes resulting from proposed access roads, turbine pads, and drainage conveyance features. The results of this analysis show that the Project will not cause a permanent impact in pond depth or annual hydroperiod of SP-16 or SP-17 but impacts will be analyzed further.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental

contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from grading noise and vibration, stress associated with increased human presence, capture and translocation, and long-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Approximately 1.67 acres of impacts to Covered Species habitat occurred in December 2016 as a result of removal of turbine pads, excavation, and deposit of spoils at three separate locations. This work was not conducted under the authorization of a CDFW ITP.

Incidental Take Authorization of Covered Species:
This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

Conditions of Approval:
Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular, ingress and egress, staging and parking, and noise and vibration generating activities that may/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section Summit Wind Repowering Project CEQA Implementation Checklist adopted by the Alameda County Community Development Agency on January 14, 2016 and the Biological Section of the of the Environmental Impact Report (SCH No.: 2010082063) certified by the Alameda County Community Development Agency on November 12, 2014 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2016-0337-R3 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Summit Wind Repower Project Biological Opinion (Biological Opinion No. 08ESMF00--2017-F-1854) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered

Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

6. **General Provisions:**

Designated Representative and Biologist

6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this 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 this ITP.

6.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of biological monitors (collectively, Designated Biologist) at least 15 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling 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 and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.

6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

6.3.1. Permittee shall accommodate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP then the Designated Biologist shall notify the CDFW Representative immediately.

6.4. On-Site Education Program. 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 this 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 in the Project Area.

6.5. Construction Monitoring Binder. The Designated Biologist shall maintain a construction-monitoring binder on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. The Designated Biologists shall maintain construction monitoring binders throughout the construction period. Permittee shall ensure a copy of the construction-monitoring binder is available for review at the Project site upon request by CDFW.

Waste and Erosion Control

6.6. Trash Abatement. 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 animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Plastic water bottles and plastic bags shall be removed daily.

6.7. Dust Control. 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.

6.8. Erosion Control. All erosion and sediment control measures shall be installed prior to earth-moving Covered Activities. Permittee shall utilize erosion control measures throughout all phases of Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a stream or pond. No phase of the Project that may cause the introduction of sediments into a drainage, stream, or pond may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service (NWS) prior to startup of any phase of the Project that may result in sediment runoff to the stream. The Designated Biologist(s) shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately.

6.9. Erosion Control Materials. 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.

Delineation of Habitat

6.10. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route or site 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 that area.

6.11. Delineation of Habitat. 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.

6.12. Additional Impacts to Habitat. No take beyond the permanent loss of 43.25 acres of habitat for the Covered Species and temporary loss of 157.23 acres of habitat for the Covered Species authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts. Permittee shall submit a request for such amendment with supporting information. Permittee may conduct Project construction work not involving ground disturbance such as installing WTGs on constructed concrete pads during the November 1 to April 14 wet season (see ITP Condition 8.7). However, if such work during the wet season results in areas previously considered temporarily-disturbed (for example, interior road shoulders) to be restored past October 31 of the year of the impact, then these areas shall be considered semi-permanent or permanent depending on the timing of restoration and achievement of performance standards (see ITP Condition 6.15).

6.13. Project Access. Project-related personnel shall access the Project Area using existing routes or routes identified in Figure 2 and 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 this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

Temporary Impacts and Restoration

6.14. Temporary Impact Criteria. To be considered a temporary impact, all temporary impacts must meet the following criteria: (1) recontouring and seeding of each temporary impact area shall occur by October 31 of the year of the impact, and no additional ground disturbing activities shall occur; (2) if the impact area is within 1,000 feet of an aquatic feature, all work shall be completed within this area and exclusion fencing shall be removed by October 31 of the same calendar year, allowing the Covered Species unrestricted access between upland and aquatic habitat; and (3) temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (see ITP Condition of Approval 6.15).

6.15. Vegetation Restoration. Permittee shall prepare a Vegetation Restoration Plan (Restoration Plan) to restore Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Permittee shall submit the Restoration Plan to CDFW for approval within at least 15 days prior to the start of restoration activities. The Restoration Plan shall include results of soil analysis which will include ground-truthing soil conditions (*e.g.*, type, texture, chemical composition and pH) by taking a soil sample and submitting the sample to an analytical lab. The Restoration Plan shall identify plant species damaged or removed during Project activities. The Restoration Plan shall include the following restoration standards:

6.15.1. Reference Sites. Prior to initiating ground disturbance, Permittee shall establish a representative number of transects within disturbed areas ("treatment") which will each be associated with a reference ("control") site (*i.e.*, site within intact natural habitat that will be used as a model for restoration activities). Each treatment-control transect set shall be appropriately-placed and numbered for identification purposes. The slope, aspect, and hydrological conditions shall be similar for both the site to be restored and the reference site. To document existing plant communities, Permittee shall photograph the treatment and control sites during the spring (March to June) when most flowering plants are in bloom. Permittee shall also evaluate species composition at the reference site. Permittee shall use information collected at the reference site to guide restoration activities.

6.15.2. Performance Standards. To be considered a successful restoration site, Permittee shall meet the following performance standards:

- Gravel shall be removed from restored areas;
- Permittee may import and place up to three (3) feet of soil in compacted areas, such as former roads and turbine pads, to increase the potential for vegetation establishment. Fill shall not be placed for purely aesthetic purposes, as fill has the potential to result in unnecessary and avoidable take of Covered Species. The upper one (1) foot of fill shall consist of topsoil;
- To the maximum extent feasible, topsoil shall be salvaged from within on-site work areas prior to construction. Imported fill soils shall be limited to weed-free topsoil similar in texture, chemical composition and pH to soils found at the reference site. At least two soil samples from each off-site fill source shall be submitted to a soil sampling lab for analysis. If Permittee chooses to import fill from an off-site location, CDFW and the property owner(s) shall be notified of the source of the fill at least 30 days in advance and shall be given the opportunity to inspect the fill and its source. If the fill source is deemed to be inappropriate (*e.g.*, the type of soil is inappropriate or the soil would be sourced from a site with a major weed infestation), CDFW may require an alternative source of fill;
- Drivers might attempt to use adjacent shoulders for parking or to avoid ruts that form in roadways. Therefore, to protect restored habitat adjacent to permanent roads, permanent roads shall be kept in good repair, and barriers or fill shall be placed between the edge of the road and restored shoulders at the same grade to restrict vehicular access;
- Minor re-contouring may be conducted; however, Permittee shall limit grading, compaction, fill, and all other earthmoving activities to the Project Area. Soils shall be protected from wind erosion using a biodegradable erosion control blanket or appropriate mulch cover (i.e. hydroseed or mulch) until vegetation is established. Seed shall be applied in the early fall, between October 15 and October 31. If feasible, seed shall be applied immediately prior to the first rain event;
- Permittee shall pre-designate each restoration area for establishment of a specific native vegetation community, based on slope, aspect, hydrological conditions, and if applicable, adjacent native vegetation. The seed mix for each restoration site

shall be tailored to achieve the species composition of the pre-designated vegetation community. The distribution of vegetation communities within the restoration area shall be roughly proportionate to any native vegetation communities impacted. Following restoration, the species composition of each restoration site shall closely match that of the associated reference site;

- Seed mixes shall include only locally native species at a ratio appropriate to the site, with an emphasis on native bunchgrasses and other grassland species. Local native wildflower may also be included in the mix. Seed may be collected from within the Project Area. Additional seed shall be sourced from within 50 miles of the Project Area (*i.e.*, original genetic material shall have been collected within this radius); however, the seed may be purchased from a seed farm outside of this area. For seeding and mulching exposed slopes, the seed blend may include one or two sterile non-native perennial grass species.
- Permittee shall complete seeding as soon as possible, but no later than October 31 of the year of the impact. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.
- No more than 5 percent (%) of the vegetation in each restoration site shall consist of species designated as high or moderate invasive plants in the California Invasive Plant Council's (Cal-IPC) *California Invasive Plant Inventory Database* (http://www.cal-ipc.org/paf/). If the presence of invasive species exceeds this threshold, Permittee is responsible for conducting appropriate control activities in coordination with the property owner.

6.15.3. Monitoring and Maintenance. Permittee is responsible for monitoring and maintaining the restored areas for a period of five (5) years or until the Restoration Plan success criteria have been met, whichever is longer. For the first six months following completion of restoration activities, Permittee shall submit a brief monitoring report (10 pages or less, not including figures) detailing vegetation establishment, percent invasive plant cover, and other relevant observation regarding success of the restoration project to CDFW. If restoration has been successful as outlined in Condition of Approval 6.15.2, Permittee may submit the following report at the end of Year 1 and annually thereafter.

If the survival and/or cover requirements are not meeting the performance standards outlined in Condition of Approval 6.15.2, Permittee is responsible for replacement planting, additional watering, weeding, invasive plant eradication, or any other practice, to achieve these requirements. Permittee shall continue to submit monthly restoration reports (see Condition 7.6) to CDFW until the standards have been met. Replacement plantings shall be monitored with the same survival and growth requirements for five (5) years after planting.

6.16. CDFW Review of Monthly Report. If CDFW determines in writing that the take authorization for temporary impacts has been exceeded, Permittee shall cease all new construction activities until appropriate take authorization has been provided, if so directed in writing by

CDFW. If CDFW determines in writing that take authorization for temporary impacts is likely to be exceeded in the coming month, Permittee shall submit an appropriately revised Project construction schedule (see Condition 6.20) within seven (7) days from receipt of such notification from CDFW in order to ensure temporary impacts meet the temporary impact criteria according to Condition 6.14. If temporary impact criteria cannot be met, then the Permittee shall apply for an amendment to this ITP to address additional impacts.

Invasive Species

6.17. Invasive Plant Species Control- Baseline. Permittee shall ensure that pre-Project baseline conditions are established for documenting type, location and general abundance of invasive plant species within the Project Area. These baseline conditions will be used for post-construction monitoring of restored areas (see Condition 6.19). The Designated Biologist(s) qualified to do botanical surveys and approved by CDFW shall submit the sampling methodology to CDFW at least 30 days prior to conducting baseline surveys. The baseline survey shall include both a qualitative (windshield and pedestrian) and quantitative assessment of target species within the Project Area.

Permittee shall ensure that baseline sampling at control transects is conducted prior to the start of Project construction activities. Sampling shall be conducted during the appropriate season for detecting invasive plant species, and shall be based on an appropriate number monitoring plots (treatment and control sets) approved by CDFW. The Designated Biologist(s) shall conduct sampling for target invasive plant species ranked by the Cal-IPC's Inventory as High or Moderate (http://www.cal-ipc.org/paf/).

6.18. Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/.

6.19. Invasive Plant Species Control Plan. Permittee shall prepare an Invasive Plant Species Control Plan (Invasive Plant Plan) to effectively control and monitor invasive plants within Covered Species habitat that will be temporarily disturbed and subsequently restored. The Invasive Plant Plan shall include the results of baseline surveys (see Condition 6.17). Permittee shall submit the Invasive Plant Plan to CDFW for approval within 30 days prior to the start of restoration activities. The Designated Biologist shall oversee the management of invasives within the Project Area and may use control methods such as hand removal, mechanical removal and/or focused herbicide application within seeding and planting areas following vegetation restoration. The Designated Biologist shall ensure that invasive plant removal does not result in damage to adjacent Covered Species habitat or to root systems of installed plants. Herbicides may be used if hand or mechanical removal of invasives is unsuccessful or infeasible. Herbicides shall not be used within or near aquatic habitat, and shall only be applied by an applicator holding a valid license issued by the California Department of Pesticide Regulation.

Construction

6.20. Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of each phase of the Project (such as decommissioning, repowering, restoration, etc.) and for each Project activity within those phases. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.

6.21. Emergency Response Plan. Before the onset of work, Permittee shall prepare an Emergency Response Plan describing actions that will be taken in case of a fire or other natural disaster or in case of a human-generated disaster, such as a spill or release of hazardous materials. An emergency phone tree, including contact information for all appropriate disaster management agencies and natural resources agencies, shall be included in the plan and should be posted on-site in a visible location. The Emergency Response Plan shall specify containment procedures for hazardous substances, with emphasis on avoidance of the aquatic features at the Project site.

6.22. CDFW Access. 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 this ITP.

6.23. Hazardous Waste. 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 materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

6.24. Staging Areas. 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 work areas.

6.25. Artificial Lighting. To the maximum extent feasible, Permittee shall ensure that night-time work is avoided. If night-time work cannot be avoided, it will be limited in extent, duration, and brightness to the maximum extent feasible. No earthmoving activities or overland travel shall take place during night-time work. All night-time work and construction-related traffic shall be suspended during rain events. Lighting shall be faced downward and shall only be utilized in the immediate workspace. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities.

6.26. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and Project site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.

6.27. Wildfire Prevention. If the Project site is within a high or very high Fire Hazard Severity Zone (refer to http://frap.fire.ca.gov/projects/hazard/fhz.html) or the risk of fire danger is high based on 7-day predictions from National Oceanic and Atmospheric Administration forecasts, Permittee shall mow access pathways, staging areas and work areas before allowing heavy equipment and vehicles to access the site. Non-living vegetative debris shall be cleared from around the immediate work footprint, and basic fire suppression supplies shall be kept on-site at all times. Disking and/or tilling are not permitted for fire prevention without prior written permission from CDFW.

6.28. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill 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.

7. Monitoring, Notification and Reporting Provisions:

7.1. Notification Before Commencement. 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.

7.2. Notification of Non-compliance. The Designated Biologist shall immediately notify CDFW (within 24 hours) in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP.

7.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site full-time daily when Covered Activities occur. The Designated Biologist(s) 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 this 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 other wildlife species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections at a minimum of once per week during periods of inactivity, or daily as long as exclusion fencing is in place.

7.4. Photo Monitoring. No less than 10 photo monitoring stations shall be established to provide representative views of Project decommissioning, construction, restoration and reclamation activities. Photo monitoring station results shall contribute to the assessment of temporary impacts and restoration work by CDFW; therefore, Permittee should ensure that photo monitoring stations numbers and locations are sufficient to document temporary impacts and restoration success. Photo monitoring shall be done as follows:

7.4.1. Stations should be located in areas that allow for unobstructed views and a field of vision of approximately 2,000 feet.

7.4.2. At least one photograph shall be taken at all stations prior to ground-breaking activities, and each month thereafter until construction and initial restoration is complete. Photo documentation of restoration success shall occur every three months following initial restoration until restoration success criteria are reached.

7.4.3. Photo monitoring station locations shall be provided to CDFW in a geographic format with the coordinate system identified.

7.4.4. If CDFW or the Designated Biologist(s) determines that additional monitoring stations are necessary, the locations shall be added to the inventory of photo monitoring stations.

7.4.5. During each photo monitoring cycle, all stations shall be visited within two days.

7.5. Pond Monitoring. Permittee shall submit a Pond Monitoring Plan to CDFW for approval within a minimum of 15 days prior to the start of Project decommissioning and repowering. The Pond Monitoring Plan shall include a sampling methodology to collect both baseline and post-construction hydrologic data in order to evaluate the impacts of road construction and installation of culverts on pond hydrology. Monitoring shall be conducted in ponds SP-16 and SP-17 for a minimum of 3 years (3 California tiger salamander breeding seasons) post-construction. The sampling methodology shall include hydrologic parameters such as pond depth, hydroperiod, flow regime, and water quality.

7.6. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.3 and 7.4 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure.

Monthly Compliance Reports shall detail approximate Project impacts in acres, separated into permanent and temporary impacts. Temporary impacts shall be categorized as defined in Condition of Approval 6.14. The temporary impacts category shall: (1) identify and describe the temporary impacts to date; (2) describe the location, acres, and type of restoration actions that have occurred; and (3) include all monitoring information required by the Restoration Plan described in Condition of Approval 6.15.

Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Marcia Grefsrud (Marcia.Grefsrud@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.

7.7. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in

Condition of Approval 7.6; (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 the 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; and (7) information about other Project impacts on the Covered Species.

7.8. CNDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 5 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit the observation to notification along with GPS coordinates to CDFW via email to Marcia.Grefsrud@wildlife.ca.gov within 24 hours.

7.9. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, including all required monitoring, 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 Monthly Compliance Reports and all ASRs; (2) a copy of the table in the 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 this 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.

7.10. Notification of Take or Injury. 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 email at Marcia.Grefsrud@wildlife.ca.gov and (707) 644-2812 (direct line of CDFW Regional Representative). 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.

7.10.1. California tiger salamander. If the Covered Species is found recently deceased, a ½-inch portion of the tail tip shall be removed and placed in a labeled tissue tube with 95% ethanol. The remaining carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. Tail specimens

shall be delivered to CDFW Bay Delta Region, Attention Marcia Grefsrud, 7329 Silverado Trail, Napa, CA 94558. The remaining carcasses shall be delivered to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road Suite D, Rancho Cordova, CA 95670 within 24 hours of the discovery.

8. Take Minimization Measures:
The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

Multi-Species Protective Measures

8.1. Vehicle Speed Limit. Permittee, Designated Biologist(s) and work crew shall ensure that Project-related vehicles do not exceed a speed limit of 20 miles per hour when traveling through the Project area.

8.2. Inspection of Pipes and Culverts. All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored in the Project Area for one or more overnight periods shall be either securely capped prior to storage or thoroughly inspected by the Designated Biologist(s) and/or the construction foreman/manager for the Covered Species or other animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a California tiger salamander is found, it may be relocated as described in Condition of Approval 8.21. If a San Joaquin kit fox is found, it shall not be handled, but shall be allowed to passively move away from the work area (see Condition 8.26).

8.3. Inspection of Reclaimed Pads Prior to Removal. To-be-reclaimed turbine pad areas shall be inspected by the Designated Biologist no more than two weeks prior to removal of the pad to determine the presence and extent of any burrow complexes. Survey results, including photographs of burrow complexes, shall be provided to CDFW at least one week prior to initiation of reclamation of the pads. If burrow complexes are found around one of these turbine pads, Permittee shall consult with the CDFW Regional Representative before conducting removal and reclamation activities. Importation of fill and re-contouring activities are subject to CDFW approval if burrow complexes are present.

8.4. Excavation of Refuge Habitat. All excavation of potential refuge features, including small-mammal burrows, individual rocks and rock piles, and other accessible features with an entrance diameter of greater than or equal to 5 inches, as well as gopher digging piles and mounds, shall be carried out by hand by the Designated Biologist. Tool use for excavation shall be limited to a hand trowel or garden spade. Burrows shall be excavated to the terminus of each branch or until the burrow diameter is less than 5 inches. The Designated Biologist should wear protective clothing and leather gloves during excavation as rattle snakes may occupy small mammal burrows.

8.5. Use of Rodenticide and Poison. At no time during the life of the Project shall rodenticides or other poisons used in the control of burrowing animals be used by Permittee in the Project Area or within mitigation lands.

8.6. Covered Species Handling and Injury. If an injured Covered Species is found during the Project term, the Designated Biologist shall evaluate the individual and immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the Designated Biologist shall place the injured individual in a safe and shaded location. Any injured California tiger salamanders shall be placed in a shaded container and kept moist, and shall be handled and assessed according to the *Restraint and Handling of Live Amphibians,* USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001; http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp). If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts then the following steps shall be taken:

8.6.1. If the injury to the Covered Species is minor or healing and the individual is likely to survive, the individual shall be released immediately (see Conditions of Approval 8.22 and 8.26);

8.6.2. If it is determined that the Covered Species has major or serious injuries as result of Project-related activities, then the Designated Biologist shall immediately take it to the Lindsay Wildlife Museum or another CDFW-approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and U.S. Fish and Wildlife Service (USFWS). Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.10.

California Tiger Salamander

8.7. Seasonal Work Window. Permittee shall limit ground-disturbing Covered Activities involving construction and heavy equipment use (such as excavation, road construction, grading, trenching, contouring and culvert installation) to the following time periods ("seasonal work windows") until the expiration of this ITP:

8.7.1. Upland Habitat: Between April 15 and October 31 (Dry Season);

8.7.2. Aquatic Habitat: Between June 15 and October 31. Covered Activities may begin prior to June 15 if the stream in which work will occur has been dry for a minimum of 30 days prior to initiating work.

8.8. Seasonal Work Window Extension. Permittee shall adhere to the seasonal work windows required in Condition 8.7 unless an expanded work window is approved by CDFW's Regional Representative. Permittee shall submit any requests for extensions at least 14 days prior to the desired date of construction or 14 days prior to the expiration of the seasonal work window. Any work for WTG installation conducted during the wet season shall be limited to construction work not involving ground disturbance and vehicles using completed main and interior gravel roads to gain access to the turbine pads. If such work during the wet season results in areas previously considered temporarily-disturbed (for example, crane pads) to be restored past October 31 of the year of the impact, then these

areas shall be considered semi-permanent or permanent depending on the timing of restoration and achievement of performance standards (see Conditions of Approval 6.14 and 6.15). If work is approved by CDFW outside of the seasonal work windows required in Condition 8.7, the following conditions shall apply:

8.8.1. Turbine pad area or any other work site located within 0.5 miles of Covered Species aquatic habitat, including where equipment will be stored overnight, shall be completely fenced with wildlife exclusion fencing. All construction work shall take place within the fenced area. Installation of exclusion fencing does not apply to graveled or well-traveled roads.

8.8.2. All work and vehicle travel shall be limited to the daylight hours from 30 minutes after sunrise until 30 minutes before sunset, to the maximum extent feasible. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities.

8.8.3. All steep-walled holes or trenches more than 6 inches deep shall be covered overnight with boards or metal plates placed flush to the ground.

8.9. Dry Season Work Restriction. During the Dry Season of April 15 to October 31 of each year until the expiration of this ITP, Permittee shall limit Covered Activities involving ground disturbance and heavy equipment use (such as excavation, grading and contouring) to periods of low rainfall (less than 0.10 inches per 24-hour period). If rain exceeds 0.10 inches during a 24-hour period, work shall cease. Construction may resume 24 hours after the rain ceases when there is a less than a 60 percent chance of precipitation in the 24-hour forecast, and humidity, as measured locally on-site under the supervision of the Designated Biologist, has fallen below 75 percent. Both rainfall and humidity records shall be kept on-site and subject to inspection.

8.10. Wet Season Work Restriction. If CDFW has approved a seasonal work window extension per Condition 8.8, then, during the wet season of November 1 to April 14, Covered Activities shall cease 24 hours prior to a 60 percent or greater forecast of rain from the NWS. Construction may continue 24 hours after the rain ceases and there is less than a 60 percent chance of precipitation in the 24-hour forecast. CDFW may approve work when there is a 60 percent or more chance of precipitation in the 24-hour forecast subject to Condition of Approval 8.8 and the following condition:

8.10.1. If work is approved when a greater than 60 percent chance of rain is forecast, the Designated Biologist(s) shall survey the Project site before construction begins each day rain is forecast. If rain exceeds 0.25 inches during a 24-hour period, work shall cease until there is a less than 60 percent change of precipitation in the 24-hour forecast. All night-time work and construction-related traffic shall be suspended during rain events.

8.11. Daily Work Window. The California tiger salamander active season is defined as the period of time during which California tiger salamanders are above ground. California tiger salamander adults migrate to and from breeding ponds during the wet season. California tiger salamander metamorphs and juveniles migrate away from the ponds during the late

spring, summer, and fall depending on pond hydroperiod and other variables. During the adult California tiger salamander migration/active season from November 1 to June 15, all Project earth-disturbing activities shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise with the exception of deliveries that cannot feasibly be made during the day due to size of delivery, traffic, or other constraints. Such deliveries shall include access within the Project Area via established roadways and unloading within existing graded areas. Limited exceptions to this schedule may occur if necessary to construct WTG towers or pour concrete foundations. Except when necessary for construction, or driver/ pedestrian safety, lighting of the Project Area by artificial lighting during nighttime hours shall be minimized to the maximum extent practicable. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area where the project is located. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities.

8.12. Pre-construction Survey, California Tiger Salamander. Prior to initiating Covered Activities, the Designated Biologist shall perform pre-construction surveys within the boundaries of the Project Area plus a 50-foot buffer zone around the construction area. The Designated Biologist(s) shall complete walking surveys of the Project Area prior to any ground-disturbing activity (such as soils deposition areas, road construction or improvement sites, or fence installation/repair sites), and shall follow earthmoving equipment to look for California tiger salamander during initial site grading. Grading activities shall be done in a manner that allows Designated Biologists to safely survey the area for California tiger salamander. A Designated Biologist shall survey the open areas adjacent to ongoing grading or scraping as the footprint expands. Multiple biologists may be necessary to survey the area appropriately. The Designated Biologist shall survey suitable habitat features, such as aquatic and upland areas and beneath woody debris, for California tiger salamander. The Designated Biologist shall conduct pre-construction surveys in conjunction with exclusion fencing installation (see Condition 8.13). If the Designated Biologist(s) or anyone else discovers California tiger salamander, the Designated Biologist(s) shall move the animal to a safe location nearby (see Condition of Approval 8.21).

8.13. Exclusion Fencing Near Aquatic Features. To prevent the California tiger salamander from entering the construction area, exclusion fencing or drift-fence with associated pitfall traps shall be constructed in strategic locations and in and around all work areas within 500 feet of all aquatic features. The barrier shall be designed to allow the Covered Species to leave the Project Area using a one-way funnel or other method approved by CDFW. Refuge opportunities shall be placed along the fence where appropriate. Permittee shall coordinate with CDFW and USFWS on a fencing plan and shall submit the design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities. Exclusion fencing shall be installed prior to the start of Covered Activities and shall be placed within 10 feet of the edge of work areas or other appropriate distance in consultation with, and approved by, CDFW and USFWS. Permittee shall maintain the barrier throughout all construction activities. The Designated Biologist shall inspect the area prior to installation. The interior and exterior of the exclusion fencing shall be inspected by the Designated Biologist at least once daily before 0900 each day to ensure that no California tiger salamanders are trapped against the fencing, where they could desiccate or be predated upon. If the fence barrier is left in place from November 1 to June 15, the Designated Biologist shall also inspect the fence daily before

0900 each day. Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects.

The barrier shall remain in place until the Permittee completes all Covered Activities and all construction equipment has been removed from the site. The Designated Biologist shall relocate any California tiger salamander found along the fence. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing.

Permittee shall also ensure that silt fencing and/or other erosion control methods are used to prevent sediment or other debris from passing into California tiger salamander aquatic habitat that is within 500 feet of Project construction activities.

8.14. Delineation of Burrow Complexes. The Designated Biologist shall clearly delineate all potential burrows within the pre-construction survey area (see Condition 8.12) and within 100 feet of the Project footprint with posted signs, posting stakes, flags, and/or rope or cord. Signs, stakes, flags, and/or rope shall be clearly distinguishable from markings used to delineate work areas.

8.15. Pre-Construction Burrow Identification. The Designated Biologist shall mark all burrows in undeveloped grassland habitat within 10 feet of new roads, electrical collection lines, or turbine pads with flagging no-less-than five days prior to earthmoving activities in those areas. All burrows shall be avoided to the maximum extent practicable during earthmoving activities.

8.16. Barriers to Movement. Permittee shall construct roadways that are within 1.3 miles of known or potential California tiger salamander breeding sites such that there are no steep curbs, berms, or dikes that could prevent California tiger salamander from crossing or exiting the roadway. If curbs/berms are necessary for safety and/or surface runoff, Permittee shall design and construct them to allow California tiger salamander to walk over them. If steep dikes are required, Permittee shall design and construct them to include over-side drains or curb/dike breaks spaced at intervals of 16.4 to 32.8 feet to allow California tiger salamander passage.

8.17. Trenching and Mowing. Prior to trenching, Permittee shall mow vegetation along the fence line to the width necessary to accommodate the trenching equipment and a walking buffer, to facilitate locating and avoiding burrows and California tiger salamanders that may be present within the Project area. The Designated Biologist will perform clearance surveys (refer to Condition of Approval 8.12) within the area that the Permittee will clear immediately prior to mowing. Permittee shall not disk or till vegetation.

8.18. Open Trenches. To prevent inadvertent entrapment of California tiger salamander during construction, the Designated Biologist shall check all excavated open holes, sumps and trenches for California tiger salamander no later than 0900 each day for trapped animals. If a California tiger salamander is trapped in these features, the Designated Biologist shall remove and relocate the animal(s) to a safe location within suitable habitat (see Condition of Approval 8.21) prior to the start of work activities at that site. At the close of each working day, the Designated Biologist shall ensure all excavated, steep-walled holes or trenches more than

6 inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks with a slope of 3:1 (run:rise). Before Permittee fills trenches or holes, the Designated Biologist shall thoroughly inspect them for trapped California tiger salamander. If a California tiger salamander is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the individual as required by Condition of Approval 8.22.

8.19. Auguring and Excavation. The Designated Biologist shall survey all auguring and excavation soils material for California tiger salamanders. The Permittee shall ensure auger bits are cleaned by shaking the soil loose and not cleaned by spinning. The Permittee shall ensure excavation is coordinated with the Designated Biologist to allow sufficient time to survey the excavated soil.

8.20. Soil Stockpiles. Permittee shall place soil stockpiles where soil will not pass into potential California tiger salamander breeding ponds; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650 *et seq*. Permittee shall use appropriate best management practices to protect stockpiles and prevent soil erosion.

8.21. California Tiger Salamander Checks. Before the start of work each morning, the Designated Biologist shall check for California tiger salamander individuals under all vehicles, equipment, materials, or otherwise suitable locations for salamanders to hide. Workers shall inspect under vehicles and equipment for California tiger salamander before the vehicles and equipment are moved. If a California tiger salamander is present, the worker shall notify the Designated Biologist. The Designated Biologist shall follow initial grading equipment to look for California tiger salamander. All ruts and holes near root structures, foundations, abutments, etc., shall be inspected for California tiger salamander prior to and during excavation or removal. If a California tiger salamander is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the individual as required by Condition of Approval 8.22.

8.22. Relocation[5] of California Tiger Salamander. Permittee shall develop a Relocation Plan for California tiger salamander and submit it to CDFW for approval prior to ground-disturbing activities occurring within 1.3 miles of known California tiger salamander breeding pools or in suitable upland habitat. Permittee shall quantify the amount, relative location, and quality of suitable habitat (e.g., breeding, upland, and dispersal habitat) including invasive and non-native species present, available upland burrows, and potential barriers for movement. The Designated Biologist shall relocate any California tiger salamander individuals within the Project Area impacted by Covered Activities to an active rodent burrow system or appropriate breeding pond located no more than 250 feet outside of the work area and described in the Relocation Plan, unless otherwise approved in advance by CDFW. The Designated Biologist shall follow the Capture and Handling measures outlined in this ITP (see Condition of Approval 8.6). The Designated Biologist shall contact CDFW's Regional Representative within one working day of any relocation incidents. Incidents that do not result in mortality shall be reported in the monthly and final compliance report. At a minimum, the report of the

[5] Relocation refers to the transport and release of a plant or animal immediately outside of an area of disturbance. The distance that the plant or animal is to be moved is limited to the minimum distance needed to promote the safety of the individual. Relocation of species beyond the immediate vicinity of capture (i.e., from one site to another) is not authorized as doing so could increase intra-species competition, attract predators, or spread disease.

incident shall include the time, location, and circumstances that led to the California tiger salamander being discovered and confined; the location where the California tiger salamander was relocated; and photographs of the animal including the ventral and lateral as well as the dorsal surfaces. All locations shall be geo-referenced and detailed in text.

8.23. Decontamination of Clothing and Equipment. Any equipment that enters the water during construction shall be decontaminated before and after construction using USFWS guidance to prevent the spread of aquatic diseases and invasive aquatic species.[6] All equipment parts that may come into contact with the water, such as vehicle treads, buckets, etc., shall be decontaminated. Repeat decontamination is required only if the equipment is removed from the site, used within a different aquatic feature, and returned to the Project Area. Decontamination shall take place in an upland location, and any chemicals used during decontamination shall be prevented from entering aquatic features. Workers shall also decontaminate waders, boots, and other clothing that comes in direct contact with the water.

8.24. Notification of Non-Native Tiger Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a non-native barred tiger salamander (*Ambystoma tigrinum mavortium*) or California tiger salamander/non-native hybrid is found within the Project Area within 24 hours by calling CDFW's Regional Representative. The Designated Biologist shall not release any non-native or hybrid salamanders back to the wild until directed to do so by CDFW. The Designated Biologist shall follow the Capture and Handling measures outlined in this ITP (see Condition 8.6). Permittee shall consult CDFW to determine measures to address non-native or hybrid populations.

8.25. Invasive Species. Any bullfrogs (*Lithobates catesbeianus*) encountered during construction or monitoring shall be permanently removed from the wild. Pursuant to Fish and Game Code, section 6854, it is unlawful to take bullfrogs using firearms of any caliber or type. BB or pellet guns are prohibited. CDFW may issue a permit to take and dispose of frogs under such limitations as the commission may prescribe (Fish and Game Code, § 6854). Permittee may not introduce predatory fishes (including but not limited to largemouth bass, redear sunfish, bluegill, catfish, mosquitofish, and fathead minnows) or amphibians (including but not limited to bullfrogs, barred tiger salamanders, and Arizona tiger salamanders).

San Joaquin Kit Fox

8.26. Standard Protective Guidance for San Joaquin Kit Fox. At no time shall Permittee or its representatives capture, pursue, or otherwise attempt to handle a San Joaquin kit fox. Permittee shall follow USFWS' *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011).

8.27. Pre-Construction Surveys, San Joaquin Kit Fox. Within 15 days prior to any habitat modification, the Designated Biologist shall conduct transect surveys to detect potential San Joaquin kit fox dens. The Designated Biologist shall conduct walking transects such that 100 percent visual coverage of the Project Area is achieved. Transect width shall be adjusted based on vegetation height, topography, etc., to facilitate the detection of dens and

[6] Refer to: U.S. Fish and Wildlife Service, August 2005. *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog,* Appendix B - Recommended Equipment Decontamination Procedures.

other sign. Walking transect surveys shall be used to detect and map known dens, potential dens, and sign (tracks, scat, prey remains). Detection dogs may be used if practicable. Potential San Joaquin kit fox scat shall be collected and labeled based on mapped location. Potential dens shall be considered to be any subterranean hole on the site that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a San Joaquin kit fox.

8.28. Construction Buffers for San Joaquin Kit Fox Dens. If a potential San Joaquin kit fox den is discovered, or a fox is found in an "atypical" den such as a pipe or culvert, Permittee or Designated Biologist shall establish a 50-foot buffer using flagging. If a known kit fox den (one that shows evidence of current use or is known to have been used in the past) is discovered, a buffer of at least 100 feet shall be established using fencing. If a natal den is discovered, it shall be fenced and avoided in a buffer with a diameter of at least 200 feet. Permittee or Designated Biologist shall notify USFWS and CDFW for all of the above except potential kit fox dens. Buffer zones shall be considered environmentally sensitive areas, and entry shall be restricted.

8.29. Protection of San Joaquin Kit Fox Natal Dens. Permittee shall not excavate natal dens for San Joaquin kit fox until the pups and adults have vacated and only after receiving written permission from USFWS and CDFW. Permittee may destroy known dens only after three days of monitoring with tracking medium or an infra-red camera has determined that a San Joaquin kit fox is not present.

8.30. Destruction/Collapse of Potential San Joaquin Kit Fox Dens. Destruction of any potential San Joaquin kit fox dens shall be accomplished by the Designated Biologist by careful excavation until it is certain that no San Joaquin kit foxes are inside. The den should be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit foxes cannot re-enter or use the den during the construction period. If at any point during excavation a San Joaquin kit fox or kit fox signs is discovered inside the den, excavation shall cease immediately and monitoring of the den as described in ITP Condition 8.28 shall be resumed. Destruction of the den shall only be completed when, in the judgment of the Designated Biologist, the animal has escaped from or otherwise vacated the partially destroyed den.

9. Habitat Management Land Acquisition and Restoration:

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall either purchase 292.04 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) within the *East Alameda County Conservation Strategy* CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) and SJKF East (Chapter, Figure 3-13) for the Covered Species (for dual species credits) OR shall provide for both the permanent protection and management of 292.04 acres of Habitat Management (HM) lands, if the lands support both

Covered Species, pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below.

Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 18 months of initiating Covered Activities if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

Permittee shall provide compensatory habitat consistent with the conservation priorities and mitigation ratios described in the East Alameda County Conservation Strategy (EACCS) (Chapter 3, dated October 2010) for the Covered Species as confirmed by CDFW. Therefore, the amount of HM lands required may be adjusted by CDFW to reflect any corrections made to mitigation ratios based on EACCS habitat scoring of the mitigation site. HM lands shall include both upland and California tiger salamander aquatic breeding habitat through preservation, restoration, enhancement, and/or creation of pond habitat that is the same or better quality as habitat that will be impacted. HM lands shall meet the minimum habitat requirements for the Covered Species including, but not limited to one or more aquatic features on-site which have been documented to support successful California tiger salamander breeding pond in an average or below average rainfall year (abundance and distribution) or adjacent to aquatic features which have been documented to support successful California tiger salamander breeding pond in an average or below average rainfall year (abundance and distribution) and already conserved and managed to the satisfaction of CDFW for California tiger salamander.

CDFW may require additional aquatic habitat mitigation if post-construction monitoring (See Condition of Approval 7.5) shows adverse impacts to ponds SP-16 and SP-17 as a result of construction, such as a reduction in the hydroperiod of the ponds and drying out of the ponds before May 31 in average or below average years.[7] Such an increase in compensatory mitigation for additional impacts to aquatic habitat shall require a major amendment to this ITP.

The Permittee shall also restore on-site 157.23 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below. If any temporary impacts do not meet the criteria identified in ITP Conditions of Approval 6.14 and 6.15, then CDFW shall require compensatory mitigation to offset the additional Project temporal impacts. If Permittee does not complete seeding of temporary impact areas by October 31 of the year of the impact, but restores impact areas within 2 years of the impact consistent with Conditions of Approval 6.14 and 6.15, then CDFW shall consider those disturbed areas as semi-permanent, and require compensatory mitigation at a 2:1 ratio (acres of mitigation: acres of impact). If Permittee does not restore areas considered temporarily-disturbed within 2 years, then CDFW shall consider those areas as permanent impacts, and require compensatory mitigation at a 3:1 ratio (acres of mitigation: acres of impact).

No take beyond the permanent loss of 43.27 acres of habitat for the Covered Species and temporary loss of 157.23 acres of habitat for the Covered Species authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts. This mitigation

[7] Annual precipitation patterns (quantity and timing) may cause annual variations in pond hydroperiods. Application of the hydroperiod and May 31 drying out criteria will be at the discretion of CDFW. Any requirement for additional aquatic mitigation will take into consideration the quantity and quality of aquatic breeding habitat on HM lands.

requirement will be identified by CDFW in writing and shall be subject to an amendment as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable regulations and law.

9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at $16,000.00/acre for 292.04 acres: **$4,672,640.00**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at **$102,650.00.**

9.1.3. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at **$71,680.00**;

9.1.4. Long-term management funding as described in Condition of Approval 9.4 below, estimated at $3,000.00/acre for 292.04 acres: **$876,120.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.5. 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 9.5, estimated at **$3,000.00**.

9.1.6. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at $3,500.00/acre for 157.23 acres: **$550,305.00**.

9.2. Covered Species Credits. Permittee shall purchase 292.04 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below.

OR:

9.3. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

9.3.1. Fee Title/Conservation Easement. 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 that 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);

9.3.2. HM Lands Approval. 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 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

9.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). 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;

9.3.4. Land Manager. 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.

9.3.5. Start-up Activities. 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); (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;

9.3.6. Interim Management (Initial and Capital). 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, and vegetation and invasive species management pond repair, spill repair, pond creation. 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.

9.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 9.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this 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 9.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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 this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

9.4.1. Identify an Endowment Manager. 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).;

9.4.2. Calculate the Endowment Funds Deposit. 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.

9.4.2.1. Capitalization Rate and Fees. 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.

9.4.2.2. Endowment Buffers/Assumptions. 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:

9.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

9.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

9.4.2.2.3. Non-annualized Expenses. 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 Manager and CDFW.

9.4.3. Transfer Long-term Endowment Funds. 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 this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

9.5. Reimburse CDFW. 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 and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9.6. Habitat Restoration. Permittee shall restore on-site the 157.23 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 157.23 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods.

10. Performance Security

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:

10.1. Security Amount. The Security shall be in the amount of **$6,276,395.00**. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

10.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.

10.6. Security Drawing. 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 this ITP.

10.7. Security Release. 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:

- 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.

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 this 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.

Amendment:
This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:
CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:
This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local law.

Notices:
The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1416 Ninth Street, Suite 1266
Sacramento, CA 95814

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2016-053-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Scott Wilson, Regional Manager
California Department of Fish and Wildlife
7329 Silverado Trail
Napa, CA 94558
Telephone (707) 944-5517
Fax (707) 944-5563

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1416 Ninth Street, Suite 1266
Sacramento, CA 95814

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Marcia Grefsrud
7329 Silverado Trail
Napa, CA 94558
Telephone (707) 644-2812
Marcia.Grefsrud@wildlife.ca.gov

Compliance with CEQA:
CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Alameda County Community Development Agency. (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the Altamont Pass Wind Resource Area Repowering Final Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2010082063), dated October 2014 that the Alameda County Community Development Agency certified for Altamont Pass Wind Resource Area Repowering Project on November 17, 2014. At the time the lead agency certified the PEIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's PEIR for the Project and the environmental effects related to issuance of this ITP [CEQA Guidelines, § 15096, subd. (f)]. CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Findings Pursuant to CESA:
These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. [Fish and Game Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2)].

CDFW finds based on substantial evidence in the ITP application, the PEIR, the Summit Wind Repowering Project CEQA Implementation Checklist, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

(1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;

(2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 292.04 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project,] along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

(3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;

(4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;

(5) All required measures are capable of successful implementation;

(6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;

(7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

(8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects

and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Map of Project Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDIFE

on 9/21/2017 .

Scott Wilson

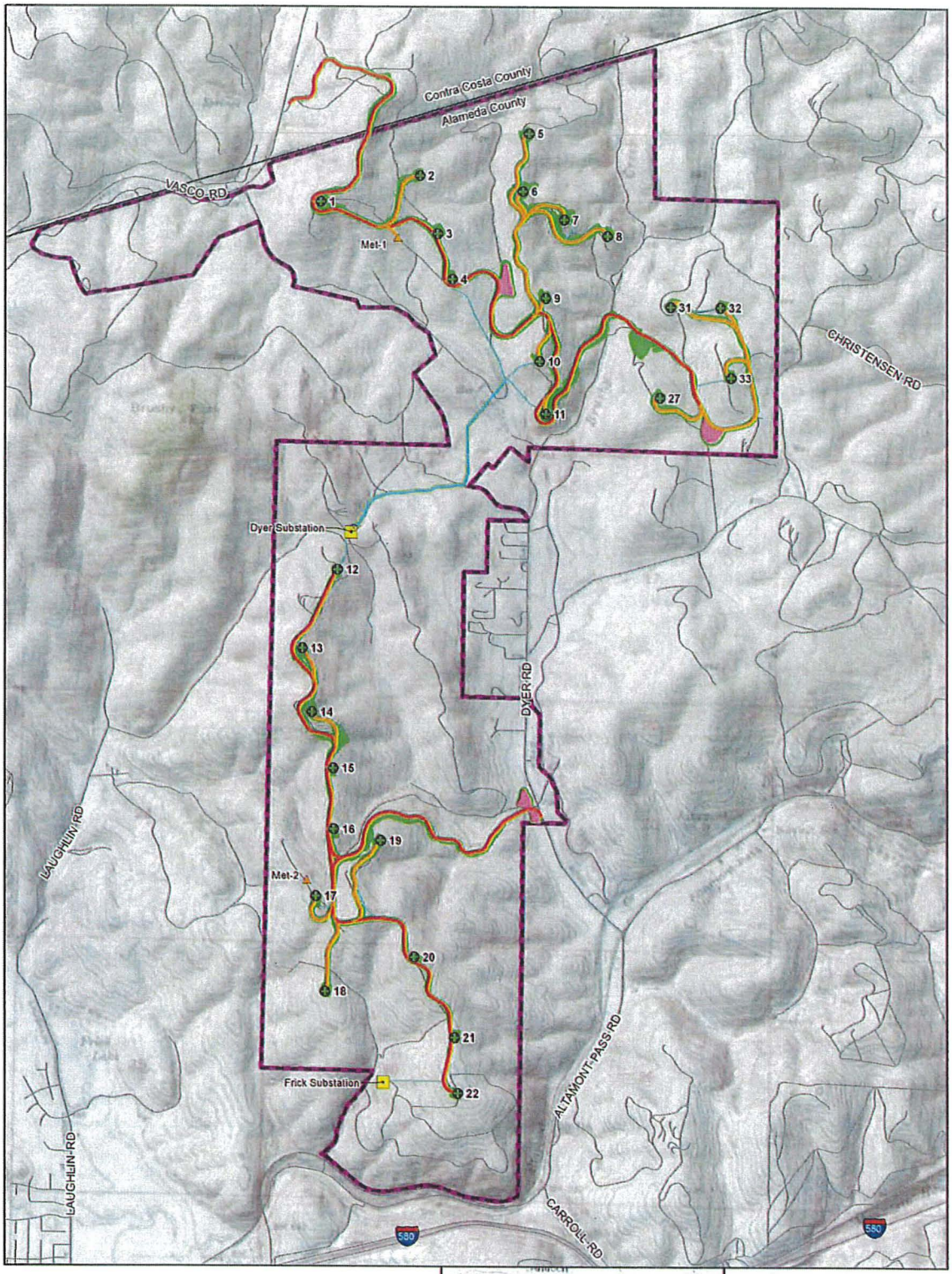
Scott Wilson, Regional Manager
Bay Delta Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions

By: _____ Date: 6/17/19

Printed Name: Karlien De Clercq Title: Vice President



LEGEND

- Project Boundary (3,302.4 acres)
- Proposed Turbine
- Proposed Met Tower
- Substation
- PG&E Riser Pole
- Proposed Primary Road
- Proposed Secondary Road
- Existing Road
- Collection Line
- Laydown Area
- Cut and Fill

Service Layer Credits: Sources: Esri, HERE DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
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FIGURE 1
Site Layout
May 2017
Summit Wind Repower Project
Alameda County, California

ch2m

ITP Update #2, Appendix A

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