California Department of Fish and Wildlife
South Coast Region 5
3883 RUFFIN ROAD
SAN DIEGO, CA 92123

California Endangered Species Act
Incidental Take Permit No. 2081-2018-065-05

STRAUSS WIND ENERGY 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:	**Strauss Wind LLC**
Principal Officer:	**Daniel Duke, Vice President-Development**
Contact Person:	**Daniel Duke, (858) 450-6800**
Mailing Address:	**5901 Priestly Drive, Suite 300** **Carlsbad, California 92008**

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 **March 1, 2035**.

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 7.8 of this ITP.

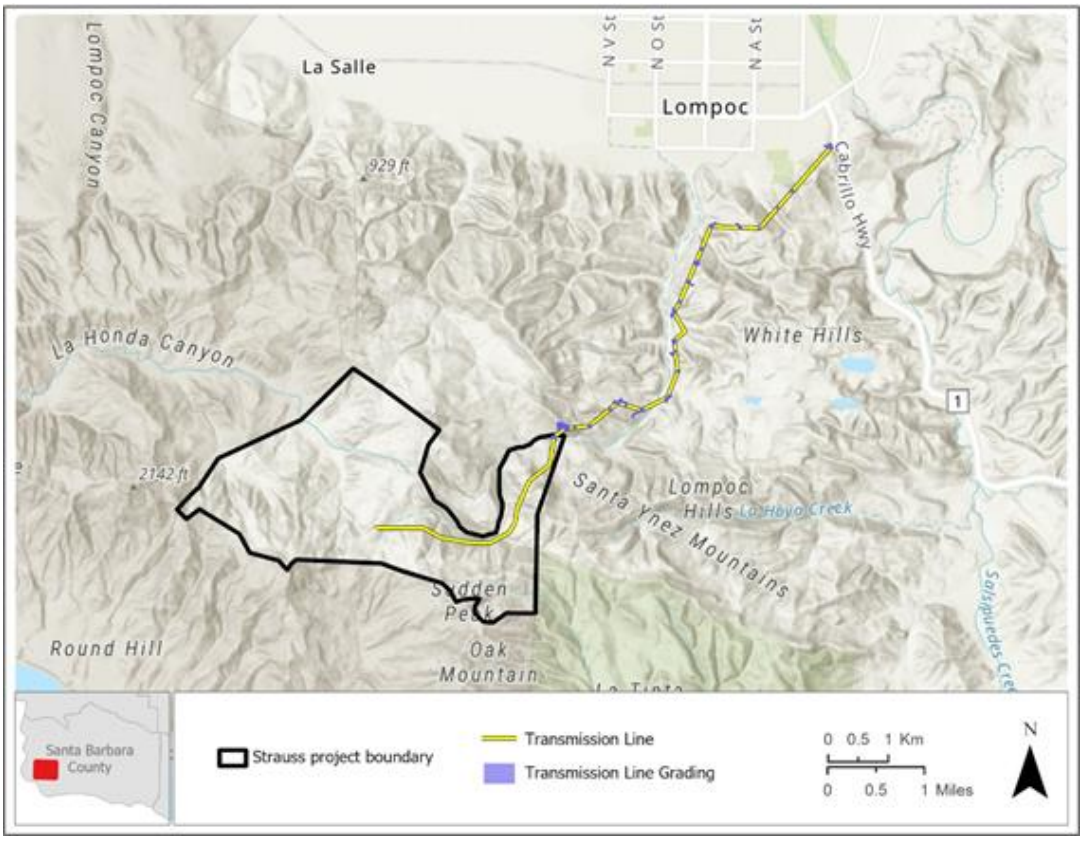
[1]Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes 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 Project is located near the City of Lompoc in the unincorporated territory of Santa Barbara County, California, within the southeastern section of the Lompoc, and north central section of the Punta De La Conception, Land Grant boundaries. The Project site is bounded by Vandenberg Air Force Base (VAFB) on the south and west sides and private property on the north and east sides (Figure 1 below). The Project area lies within the Tranquillon Mountain, Lompoc Hills, and Lompoc U.S. Geological Survey 7.5-minute quadrangles at latitude 34° 34'59" N and longitude 120° 30' 55".

Figure 1. Strauss Wind Farm Project site and transmission line corridor.



The Project site is bounded by Vandenberg Air Force Base (VAFB) on the south and west sides, and private property on the north and east sides. The Project site is accessed via San Miguelito Road, a public road, which winds through the area and terminates at the VAFB property line at the northwest edge of the Project site. The Project will be located across 11 parcels totaling 5,887 acres of primarily rural, agricultural-zoned land on coastal ridges

southwest of the City of Lompoc. Permittee has entered into long-term leases and easements with the 7 property owners where all Project activities will occur. All other work associated with the Project conducted by Pacific Gas and Electric (PG&E) will occur within PG&E's right-of-way. A new transmission line would be constructed to interconnect the Project with the PG&E transmission grid that would start at the Project substation, located west of San Miguelito Road at the upper (southern) end of Miguelito Canyon, and end at one of the two Project switchyard location options, both of which are situated on the Imerys Mine property. To connect the Project to the PG&E Electrical System a switchyard will be constructed at the Point of Interconnection, which occurs outside the City of Lompoc; the PG&E reconductoring will occur within the City of Lompoc.

Project Description:

The purpose of the Strauss Wind Energy Project is to construct, operate, and maintain a wind farm, as well as implement a mitigation and monitoring program for all impacts to the natural resources caused by those activities. The Project includes the following:

Installation of up to 27 wind turbine generators;
Construction and maintenance of new access roads;
Existing road improvements and maintenance;
Installation and maintenance of a communication system;
Installation of and maintenance of meteorological towers/devices;
On-site electrical collection lines;
An on-site substation, including an approximately 15-foot by 30-foot control building;
An on-site operations and maintenance (O&M) facility;
A new up to 7.3-mile, 115-kilovolt transmission line (this ITP provides take authorization for the first 4 towers and approximately 2,850 linear feet), to interconnect with the PG&E electric grid connection via a new switching station (switchyard);
A new switchyard;
On-site well for drinking water and firefighting activities;
On-site septic system;
Off-site mitigation; and,
On-site mitigation.

The actions listed above, and further described in this Project Description, are the "Covered Activities" as conditioned and authorized in this ITP.

Project Schedule:

The Project will be constructed in 2020 and operational (producing wind energy) by December 31. The Project is expected to have an operational life of approximately 30 years. Future scenarios could include lease renewals and possible repowering of the wind farm with advanced WTGs or decommissioning and restoring the land.

The Project consist of three (3) distinct phases: 1) Project Construction; 2) Operation and Maintenance; 3) Mitigation, Monitoring, and Adaptive Management. Figure 2 shows the location of all permitted facilities.

Phase 1) Project Construction

Wind Turbine Generators (WTGs)

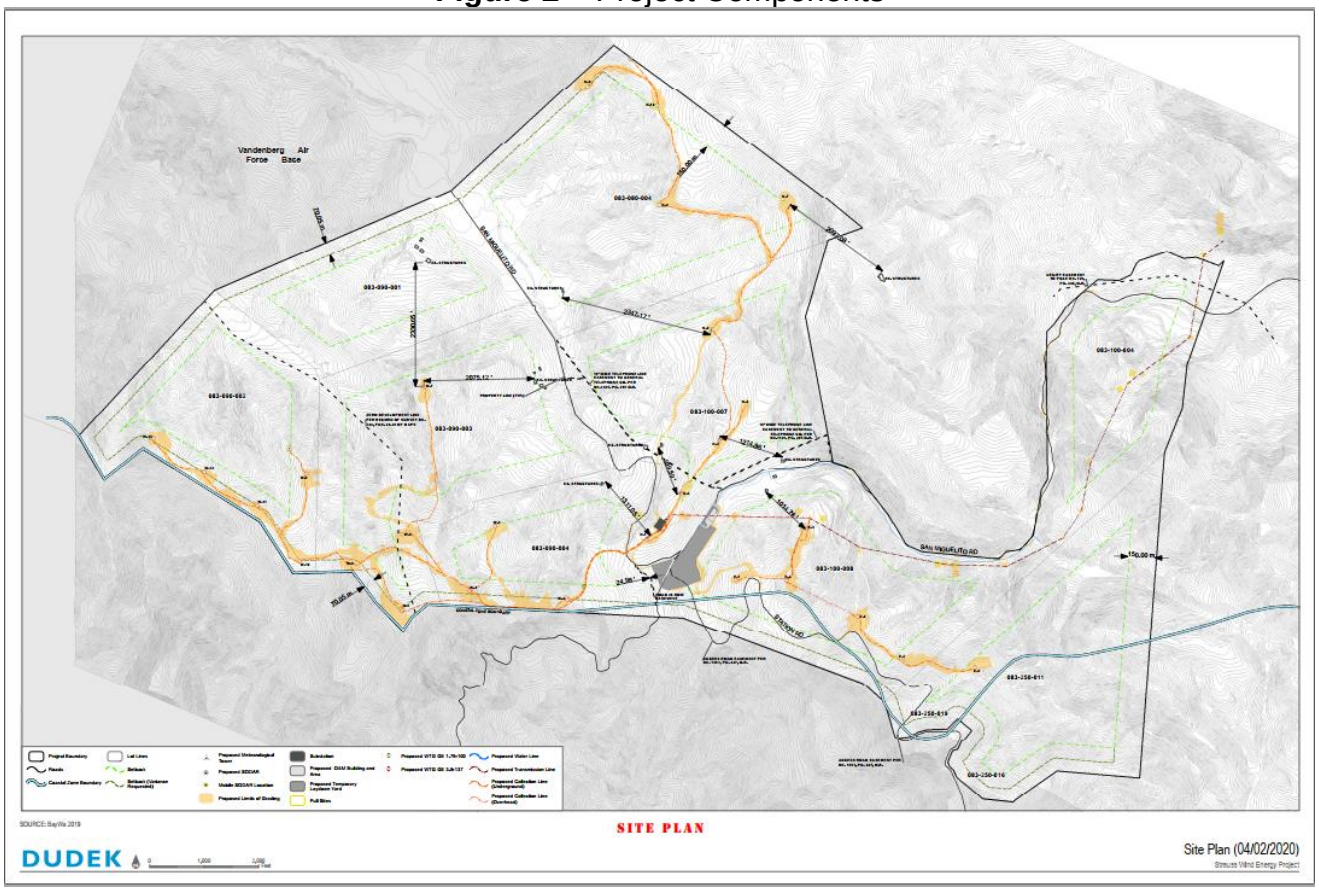
Major activities at each WTG location include construction of the foundation and crane pad, unloading and laydown of the components of the turbine, and erection of the turbine. The Project includes 27 WTGs, each with a capacity of 1.79 (6 WTGs) or 3.8 MW (21 WTGs). The 1.79 MW WTGs will be 427 feet in total height from foundation to blade tip, and the 3.8 MW WTGs will be 492 feet from foundation to blade tip.

Each turbine will be supported by one of three types of foundation. Two types of potential foundations will vary between approximately 25 to 35 feet deep and 18 to 25 feet in diameter. The third type of potential foundation will be approximately 10 feet deep and 60 feet by 60 feet in diameter. The foundation will be comprised of various mixtures of rock, steel, and/or concrete with approximately 1-foot visible above ground. Each foundation will contain a 20-foot-wide graded ring filled with gravel or crushed rock to provide positive drainage and access.

San Miguelito Road Changes/Improvements

Permittee identified 34 sections along San Miguelito Road between the City of Lompoc and the Project site that will be widened, straightened, or otherwise moved to allow the Project components (e.g., the 225-foot long turbine blades) to be delivered to the Project site. The road modifications will also allow for the heavy construction vehicles and cranes to access the Project site. Many of these modifications will widen and compact the shoulders along the road to allow for a straighter path. Cut and/or fill will occur at

Figure 2 – Project Components



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Access Roads and Road Improvements on the Project Site

Numerous dirt roads currently exist throughout the Project site. These dirt roads are maintained and used by the property owners for active and ongoing agricultural operations and cattle ranching.

To provide access during construction and operations, approximately 1.76 miles of existing roads will be improved and widened from their existing widths of between 10 and 14 feet wide up to 22 feet wide. These improved roads will be surfaced with gravel. Road sections will need to be 16 feet wide with either 10-foot-wide compacted shoulders on each side or a 20-foot wide compacted shoulder on one side to allow cranes to travel between WTG locations. When rough grade is achieved, base rock will be trucked in, spread, and compacted to create a road base. Capping rock will then be spread over the road base and roll-compacted to finished grade. The width of construction access roads will vary between 22 to 40 feet to accommodate roadway cut and fill, and necessary equipment turning radii and turn-outs. In

some very steep areas, the road might be paved. The roads will be recontoured to either be level or down sloped (with the low point closest to the uphill side) with a small “V” drainage ditch created along the recontoured roads with culverts installed where necessary. A native seed mix will be applied to all cut and fill slopes.

Electrical Lines and Communication System on the Project Site

Each string of WTGs will be interconnected via 34.5 kV electrically insulated cables. These cables will typically run underground. The power collection lines will transmit the power from each string of WTGs to the Project substation. The underground collector cables will follow roads, where feasible. Approximately 1.84 miles of underground cables will have to be installed away from existing roads. Installation of underground power and communication cables will involve excavating trenches that are 3- to 4-feet deep and generally 2- to 3-feet wide, installing the cables, backfilling the trenches. Due to steep terrain, one small section of aboveground collection line will be installed, supported by single poles or H-frame structures. These components will require being placed in holes of an undetermined width and depth. Another collector section will use transmission line structures and be under-built of the transmission line to connect this string to the substation. At the Project substation, the voltage will be increased from 34.5 kV to 115 kV to match the voltage of the PG&E grid at the point of interconnection.

Operation of the Project will be controlled by an integrated, automatic control system (Supervisory Control and Data Acquisition [SCADA]), which will be capable of monitoring all operational parameters, including starting and stopping each WTG. The SCADA system will transmit operating parameters and other data from each WTG and the substation to the central computer. The system will allow remote control and monitoring of individual WTGs and the entire Project locally and remotely. Communication cables will be buried in the same trenches used for the electrical collector lines. Overhead communication lines will be installed on the structures used for overhead lines. Either overhead or underground communications lines will be routed to the control room and from there to the closest access point of the preferred internet service provider.

Meteorological Towers/Devices

One permanent meteorological tower and one SODAR (Sonic Detection and Ranging) device will be installed during construction to measure the wind speed for forecasting purposes and to monitor the performance of the WTGs post-installation. The meteorological tower will be a free-standing tower up to 295 feet in height, while the permanent SODAR devise is approximately 6 feet by 6 feet by 6 feet.

Project Substation

The WTGs will transmit power to the onsite Project substation via the electrical collection system. A Project substation footprint of approximately 1 acre will be cleared and graded and include structural and electrical equipment. Structural and electrical equipment will be

installed on top of structural concrete forms approximately 18 inches above rough grade. The entire footprint of the substation will be finished with a graveled layer of clean, washed rock that is free of sands and organic material. This rock layer will act as a fire barrier and step protection. The spatial separation of transformers and other project components will be incorporated in the design to control the risk of fire. The substation will include standard, low-illumination, motion-triggered lighting.

A control building will also be housed entirely within the substation. The control building will contain switchboard panels, batteries, battery chargers, supervisory control, meters, and relays, and will provide all-weather protection and security for the control equipment.

Construction of the Operations and Maintenance Facility

The Project will build an onsite O&M building near the intersection of San Miguelito Road and Sudden Road within the area that will be used as a laydown yard during the construction phase of the Project. Following the construction phase, the O&M facility and parking area will encompass approximately 0.7 acre.

Access roads will be used by O&M personnel, which is expected to average three truck trips per day. Vehicle speeds will be limited to 15 miles per hour to reduce the spread of dust.

115-kilovolt (kV) Transmission Line

The Project will construct a new, 115 kV power line to interconnect the wind farm with the PG&E transmission grid. The route for the transmission line will start at the substation on the Project site, located west of San Miguelito Road at the upper (southern) end of Miguelito Canyon, and will terminate down at PG&E's substation, which is situated on the Imerys Mine property at the southern edge of the City of Lompoc. Only the first 4 towers and 2,850 feet are Covered Activities in this ITP.

Switchyard

The Project will construct a switchyard to connect the Project to the PG&E electrical system. The switchyard will be located at the point of interconnection on the Project site. The 10,000-square-foot switchyard will be fenced and finished with a graveled layer of clean, washed rock, free of sands or organic material. This rock layer will act as a fire barrier and as step protection.

On-site Well, Water-Storage, and Water-Distribution

A water well will be installed to provide water for onsite domestic uses (i.e., O&M operations) and onsite firefighting activities. From the new water well, ground water will be pumped into an in-ground line, and sufficiently pressurized to reach the O&M facility. It is estimated that the onsite staff and O&M facility will use approximately 250 gallons of potable water per day from the onsite water well. At the O&M facility, water will be deposited into an onsite storage tank of sufficient size to provide onsite water needs. A separate 5,000-gallon water storage

tank will be installed to supply water for firefighting.

Septic System

A septic tank and leach lines will be located just north of the O&M facility in native soil, beginning just beyond the area of fill for the new building. A 1,000-gallon septic tank with roughly 200 feet of leaching lines (two lines each 100 feet long) will be constructed to dispose of the generated wastes.

The Project will be constructed in one phase to achieve the full generating capacity. Permittee intends to complete construction before December 31, 2020. According to the preliminary grading plan, cut and fill volumes up to 968,633 cubic yards will be required for all Project earthwork. All grading will be subject to a final, approved grading and erosion control plan to minimize erosion and ensure adequate slope stabilization.

Heavy equipment will be needed to clear the sites, build roads and WTG foundations, haul and lift materials, and pull power lines. After the roads are graded and compacted and the WTG foundations built, cranes and trucks will move in to haul and lift the WTG parts into position for assembly. The Project is anticipated to require greater than 16,000 truck trips to complete the construction if it takes 10 months.

Phase 2) Operations and Maintenance

Operation and maintenance will occur throughout the 30-year life of the Project. During the operational phase of the Project, approximately five to seven staff will be employed on site in the O&M facility on a daily basis. Routine maintenance activities will consist of visual inspections of turbine components and may include, but would not be limited to, replacing lubricating fluids, checking parts for wear, replacing worn parts as required, and recording data from data recording chips in all pertinent equipment including anemometers. The staff will monitor the WTGs and operate the system from the O&M facility. The onsite staff will perform the routine maintenance throughout the Project site, troubleshoot malfunctions, and shut down and restart WTGs when necessary. The WTG operations will be continuously monitored via the SCADA system.

Roads, power collection and communications systems, transmission lines, fencing, and buildings will all be routinely inspected and maintained. Operation and maintenance will result in regular truck traffic on access roads throughout the year. Permittee expects an average of three vehicle (e.g., pick-up truck) trips per day on each of the roads. This amount of vehicle traffic will be similar (and in addition) to ranching operations that are currently ongoing.

Ongoing fire management and safety will include maintaining a 10-foot radial clearance of flammable fuels (vegetation) around the base of each wood pole structure during fire season. A minimum 15-foot clearance is required between vegetation and conductors for safety and to minimize tree-related outages. Fast-growing trees will likely be removed and vegetation

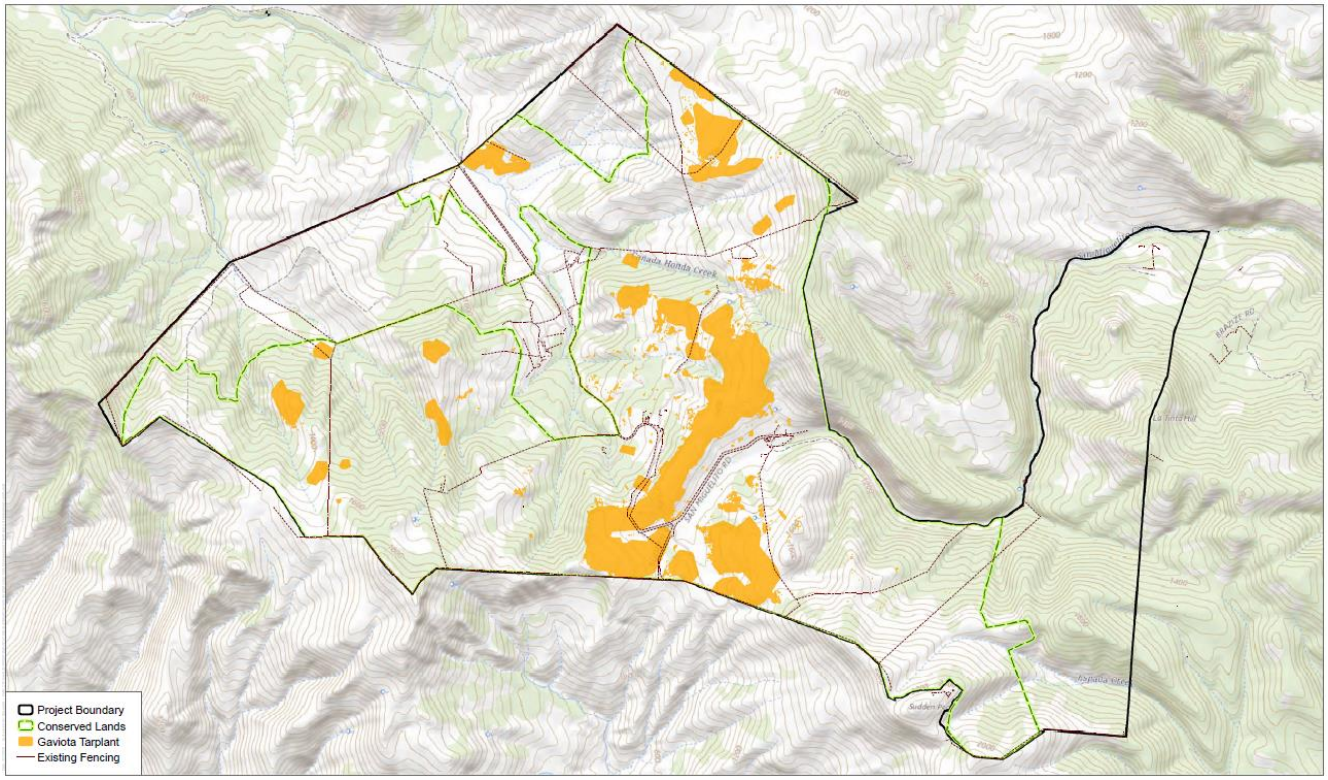
would likely be trimmed back farther than the minimum required to allow for at least 3 to 4 years between each trim. The maintenance program for the transmission line will also include removing dead, rotten, or diseased trees or vegetation that hang over or lean toward the system, which could create a falling hazard.

Permittee expects that the roads built and modified during the construction phase will be left in place for the duration of the operations period and that no new road construction or modifications will be necessary to conduct any repairs or replacements to WTGs or other Project facilities.

Phase 3) Mitigation, Monitoring, and Adaptive Management

Permittee proposes to place a conservation easement(s) over the area shown in green outlined in Figure 3. (See Condition of Approval 9 to this ITP.) This area will contain onsite preserve areas for the following sensitive resources and species including the following: wetland mitigation (8.43 acres), native grassland mitigation (50.4 acres), Gaviota tarplant (204.4 acres), Gaviota tarplant critical habitat (675.5 acres), horkelia mitigation (5.30 acres), ocellated Humboldt lily mitigation (0.085 acre), black-flowered figwort mitigation (0.073 acre), and oak tree mitigation (an undetermined/unreported number of acres). Permittee will establish a non-wasting endowment to ensure the long-term maintenance and monitoring occurs such that it will pay for management actions that maintain the functions and services of the mitigation sites in perpetuity.

Figure 3 – Conserved Gaviota Tarplant Mitigation Lands



A Technical Advisory Committee (TAC) will be established to oversee and guide the decisions regarding monitoring and managing Gaviota tarplant and other sensitive resources in the preserve areas as part of the minimization and mitigation measures for the Project. The TAC will be comprised of members from the land management organizations, resource agencies (e.g., U.S. Fish and Wildlife Service, CDFW), and scientific experts (i.e., academic faculty, researchers, geneticists, entomologists, ecologists, conservation biologists). The TAC will guide management, monitoring, and planning activities during the adaptive management program. The TAC will meet annually to review actions taken in the previous year, approve a work plan for the next year, and make any changes to the adaptive management plans, provided that such modifications are consistent with this ITP and the approved conservation easement(s). The TAC will review the status of each of the individual monitoring plans (discussed below and in the various monitoring and management plans) and guide the adaptive management plans.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Gaviota tarplant (*Deinandra increscens ssp. villosa*)	Endangered[3]

This species, and only this species, is the "Covered Species" for the purposes of this ITP.

Gaviota tarplant is also listed by the U.S. Fish and Wildlife Service (Service) as endangered under the federal Endangered Species Act (FESA).

Impacts of the Taking on Covered Species:

Background

Gaviota tarplant has a highly localized distribution in western Santa Barbara County, where it is associated with native and non-native grasslands, with low-density coastal sage scrub composed of *Artemisia californica* (California sagebrush), *Baccharis pilularis* (coyote bush), *Hazardia squarrosa* (sawtooth golden bush), and *Eriogonum fasciculatum* (California buckwheat). This species is found on sandy soils associated with marine terraces and uplifted marine sediments ranging in elevation from 150 feet to 1,000 feet in elevation. This plant is mainly associated with the Conception, Tierra, Maymen, Los Osos, Botella, Gaviota and Milpitas-Positas soil series, which consist of acidic, sandy loam, clay loam, loamy sand, and loam soils; duneland; and rock outcrop complexes. A subsurface restrictive layer may serve as a reservoir of soil moisture in an area otherwise characterized by summer drought. However, previous research indicates Gaviota tarplant consistently occurs where the depth to clay is only 2.5- to 5-centimeters (1 to 2 inches).

Gaviota tarplant is a self-incompatible, annual plant in the sunflower family. Annual plants complete their life cycle in one year and produce seeds (containing plant embryos). Seeds that do not immediately germinate form a soil seed bank, which supports the long-term persistence of a species. Plants visible above ground vary dramatically from year to year depending on growing conditions. In years where fewer plants germinate, the soil seed bank, containing plant embryos, is still present. The presence of a soil seed bank is important for the long-term survival of Gaviota tarplant.

Gaviota tarplant depends on the successful transfer of pollen between plants in order to produce seeds. Gaviota tarplant is self-incompatible, meaning that self-fertilization does not occur in this taxon. Gaviota tarplant is not wind pollinated, it requires insects for the transfer of pollen. The type of incompatibility system that tarplant species possess (sporophytic) makes its ability to reproduce particularly vulnerable to loss of genetic variation within and between populations. Gaviota tarplant pollinators are not known, however, several species of flies, bees, skippers, and butterflies have been observed on the flowers of Gaviota tarplant.

[3] See Cal. Code Regs. Tit. 14, § 670.2, subd. (a)(1)(H).

Because insects are a required part of the Covered Species' ability to complete its lifecycle, CDFW is considering impacts to insects as a direct impact to the life cycle of the Covered Species.

The population genetics of Gaviota tarplant have not been assessed, meaning it is not clear if certain populations contain much higher or lower genetic diversity then other populations. The importance of conserving genetic diversity throughout the species range is critical to ensuring long-term survival and management of this Covered Species. Loss of populations with high genetic diversity could inhibit recovery efforts. Project associated genetic erosion and loss of genetic diversity is a concern due to the direct loss of 132,476 to 830,474 individuals from the Project and indirect affects to an estimated 4,685,721 to 4,924,635 individuals.

There are seven identified populations of Gaviota tarplant: Lion's Head (near Point Sal); Point Arguello; Tranquillion Mountain/Sudden Peak; Point Conception; Hollister Ranch; Santa Ynez Mountains; and, Gaviota. The Project will impact the Tranquillion Mountain/Sudden Peak population of Gaviota tarplant. This population contains a substantially larger number of individuals – more than 90 times more than all of the other six recorded populations combined (Table 1 below).

Table 1. Gaviota Tarplant Populations

Population	Element Occurrences	Maximum Number of Recorded Individual Plants	Percent of all Tarplant Individuals	Maximum Acres	Property Ownership
Lion's Head (near Point Sal)	5, 52	611	0.01%	29	DOD
Point Arguello	19	750	0.01%	238	DOD
Tranquillion Mountain/Sudden Peak	18, 25, 26, 27, 28, 29, 30	6,039,777	98.8%	232	Strauss Wind LLC lease
Point Conception	10, 15^	56,430	0.09%	164**	TNC
Hollister Ranch	8, 9, 21, 22	1,202	0.02%	75.4	Private
Santa Ynez Mountains	6, 7, 20	700	0.01%	22.8	Private
Gaviota	1, 4	12,000	0.2%	201	CDFW

*Data from CNDDB, USFWS, CDFW, and Project surveys.

**Data for Point Conception was calculated by taking the CNDDB occurrence acres and multiplying by 33 percent which is the estimated percent observed of Covered Species by CDFW and USFWS.

^Occurrence 15 was estimated at 85 acres and Occurrence 10 estimated at 411 acres.

The Tranquillion Mountain/Sudden Peak is the major core population for this species. This population, along with the small number of plants at the Santa Ynez Mountains population (700 individuals) are the only plants occurring higher in elevation. The other five populations are immediately adjacent to the coast, at low elevations, and subject to direct impacts from sea level rise. Currently, the Gaviota and Point Conception populations are on legally conserved lands, protecting a total of approximately 70,000 individuals. The Hollister Ranch, Santa Ynez Mountains, and the Tranquillion Mountain/Sudden Peak populations are currently in private ownership and not conserved. The remaining populations of Lion's Head and Point Arguello are on Department of Defense land and are not currently protected.

Impact Analysis

To assess Covered Species impacts, CDFW evaluated both direct and indirect impacts to Gaviota tarplant that could affect the quality, health, reproduction and long-term outlook (viability) of an occurrence/population.

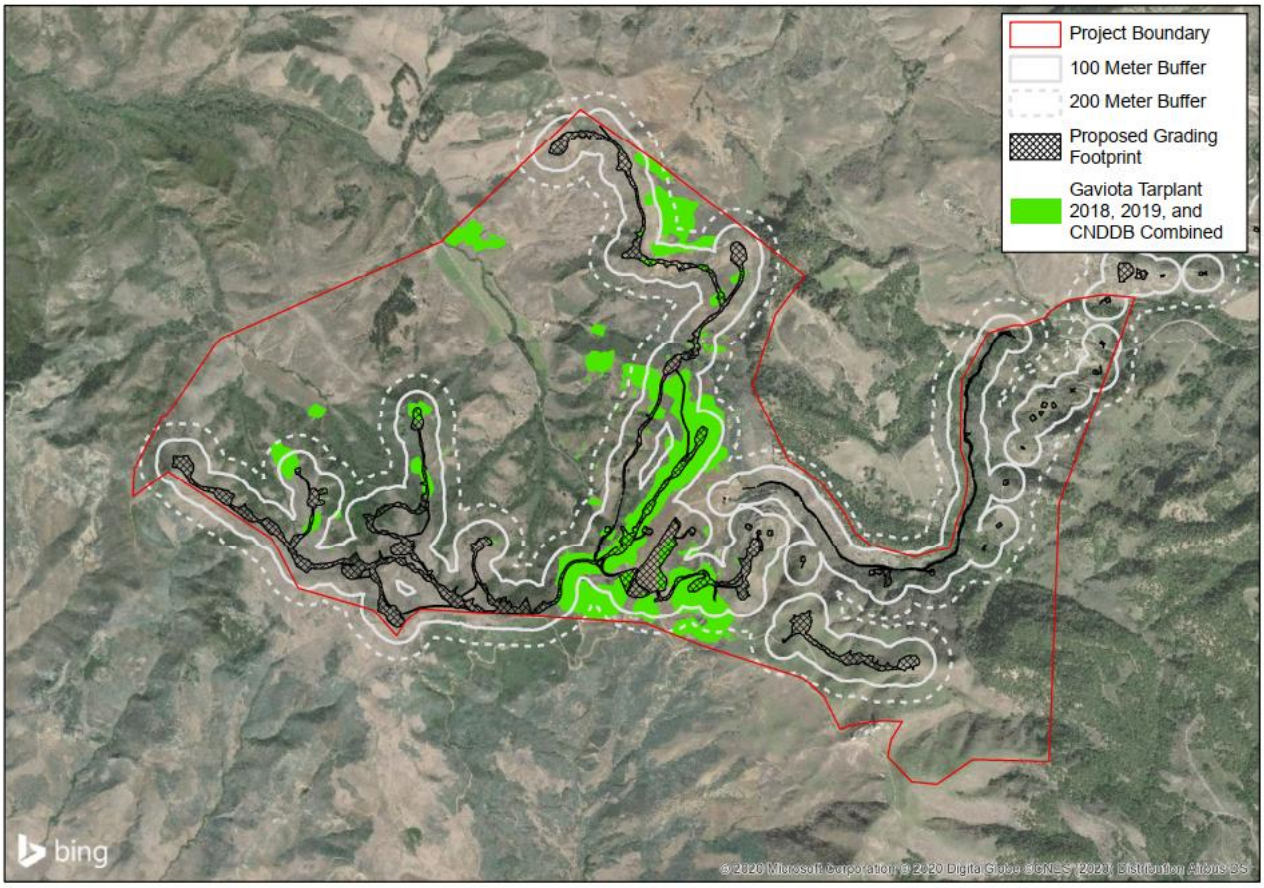
Direct impacts include the physical grading and crushing of plants and seed, removal of soil containing Gaviota tarplant seed, and compaction of soils adjacent to Project features. Direct impacts are expected to impact 27.0 acres and 132,990 to 830,474 individuals.

Total take and related impacts of the taking are expected to occur over 214.89 acres (direct and indirect added together) and impact a maximum of 4,685,721 to 4,924,635 individuals (direct and indirect added together).

Indirect impacts analyzed include Project related changes to atmospheric moisture, fog layer disruption, alteration of surface temperatures, changes to soil moisture along the subsurface restrictive layer, invasive species including Argentine ants, disruption of essential pollinator activity, death of pollinators by turbine strike or pressure differential, dust on pollen receptors, genetic effects of drift, inbreeding, and gene flow on genetic diversity, stochastic events (bottlenecks), effects to seed dispersal mechanisms, and edge effect resulting from Project features bisecting a Gaviota tarplant population, decreased patch size, shading, heat island effect, night lighting, and increased vulnerability to disease (See Figure 4 below).

Specific to wind turbine generated turbulence impacts to the Covered Species; Covered Species individuals are expected to be impacted by altering the laminar wind flow layers (under positive lapse rates enhanced vertical air mixing mixes warm air down and cold air up, leading to a warming near the surface or in an unstable atmosphere with negative lapse rate, i.e., cool air lying over warmer air, turbulent wakes mix cool air down and warm air up, producing a cooling near the surface), fog dispersal, and physical drying (desiccation) of plants within the wake zone (See Figure 5 below). Indirect impacts cumulatively are estimated to occur on 214.89 acres of Covered Species habitat and seed bank and a range of 4,685,721 to 4,924,635 individuals.

Figure 4. Maximum Extent of Gaviota Tarplant with Grading Footprint and 200-meter Potential Indirect Effect Zone



Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. CDFW evaluated effects to the Covered Species by using three impact categories: 1) those from project grading footprint; 2) indirect impacts weighted within a 200-meter boundary[4] from the footprint to capture all anticipated non-grading impacts from the Covered Activities; and, 3) influence of the air mixing zone behind each turbine (estimated wind turbine turbulence effects zone). These impact categories are

Table 2. Impacts to Covered Species

Gaviota Tarplant	Maximum Acres Gaviota Tarplant	Direct impacts	Indirect Impacts 0 to 200-meter buffer plus wind turbulence	total impacts (direct and indirect)
combined Acres (2018, 2019 and CNDDB combined acres)	232	27	187.89	214.89
Range of Individuals (2018 and 2019 data in individuals)	4,864,968-6,039,777	830,476-132,990	3,855,245-4,791,637	4,685,721-4,924,635
percentage (%) of acres (2018, 2019 and CNDDB)		11.64	80.9	92.6 percent
percentage (%) of Individuals (2018/2019 in percentages)		2.2-17.1	79.2-79.3	81.5-96.3 percent

used conservatively to derive a total impact acreage. Survey data from 2018 and 2019 provided by Permittee's consultants, plus the acreages provided by records in the CNDDB are combined to identify a maximum distribution and provide a basis for analyzing impacts from the Project (See Table 2 above).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as:

1) Direct removal from clearing, grading and grubbing;

[4] The 200-meter boundary from the grading footprint is weighted given more impacts will occur closer to Project features and turbine plumes and decrease with distance. This assessment is based on the best available scientific information and includes exhaustive review of over 70 references as provided in CDFW's reference files for this ITP.

2) Crushing of seeds and crushing of emergent and mature plants;

3) Reduced population numbers resultant from death of pollinator insects by:

    a. direct turbine strike; or,

    b. massive air pressure changes (overpressure of air directly in front of blade to near-vacuum conditions behind the blade because pressure drops of as low as 4.4 kilopascals, resulting in death and severe injury to insect organs and tissues;

4) Turbine air mixing zones resulting in:

    a. changes to ground surface temperature which can directly effect changes in observable bloom time;

    b. reduced moisture content of ground surface air resulting in plant desiccation;

    a. Fog layer disruption; and,

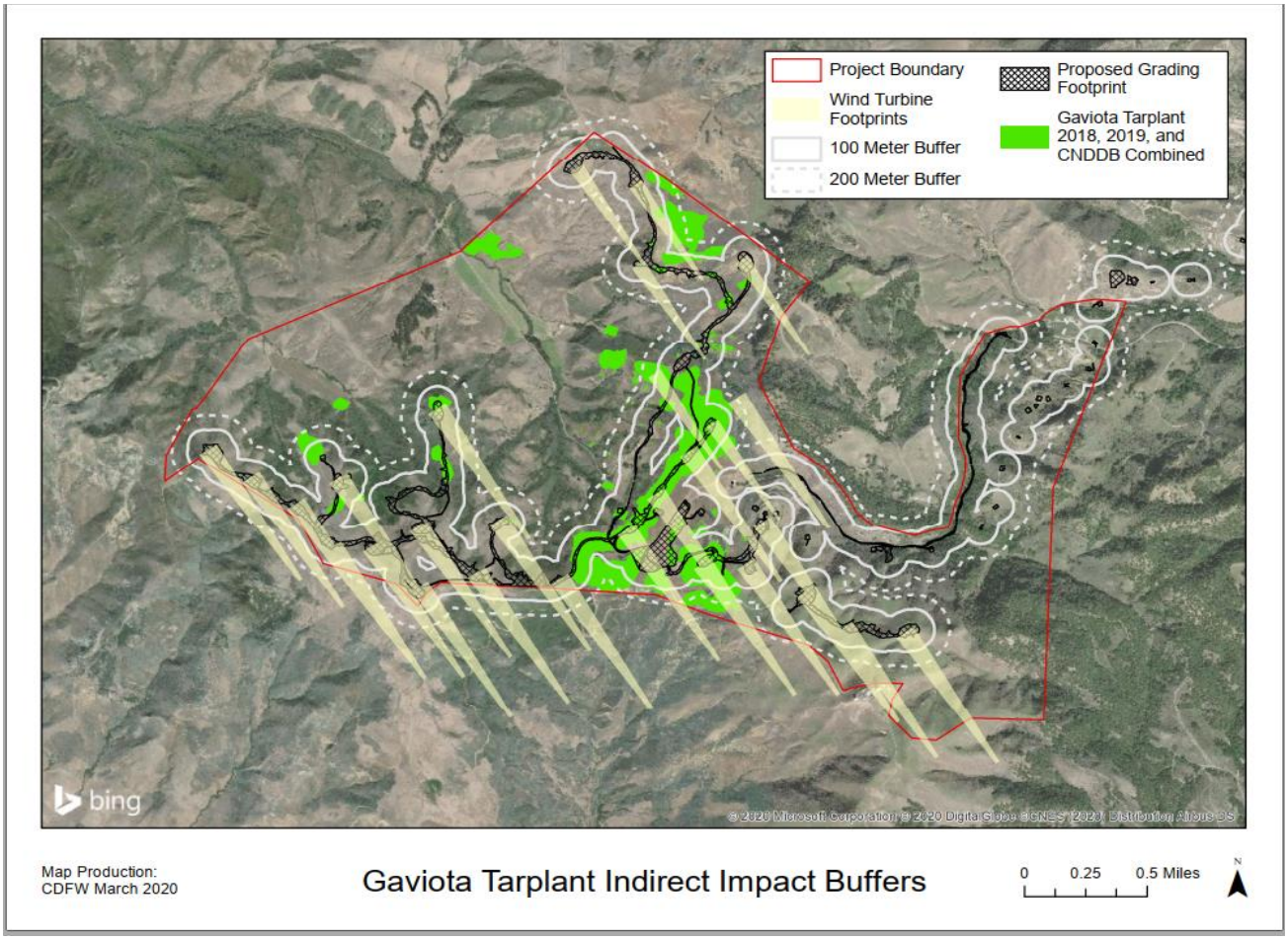
    b. Changes in microclimate conditions necessary for plants and pollinators to survive.

5) Soil vibration and wind effects from turbine operation, and

6) Indirect effects.

Covered Species (individuals and seeds) within populations vary substantially and the seed bank is considered essential to this species' long-term survival. The occupied habitat is presumed to contain Covered Species seed bank that would also be subject to direct permanent impacts as a result of the Project.

Figure 5. Estimated Impacts from Wind Turbine Plume to Covered Species



Authorized take of the Covered Species expected to occur during project construction includes: road grading, foundation construction, facility construction, wind turbine tower installation, transmission line instillation, fuel modification (not to exceed the original grading footprint), the grading and establishment of a laydown yard and electrical substation in localized portions of the Project Area and ongoing Project operations.

Authorized take of the Covered Species expected to occur during Project operations and maintenance includes fuel abatement (not to exceed the original grading footprint), facilities maintenance, minor repairs, road maintenance, monitoring and management of the on-site mitigation area. No additional direct impacts are authorized to Covered Species during operations and maintenance.

Other Species Not Subject to the Take Authorization Provided by this ITP:
Fully Protected Species:

This ITP does not authorize the take of any fully protected species as defined by State law. (See Fish & G. Code, §§ 3511, 4700, 5050, 5515.) CDFW has advised Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW also recognizes that certain fully protected species are documented to occur within the vicinity of the Project Area, or that such species have some potential to occur on or in the vicinity of the Project Area due to the presence of suitable habitat. These fully protected species include (but are not limited to) the American peregrine falcon *(Falco peregrinus anatum),* California condor (*Gymnogyps californianus),* bald eagle *(Haliaeetus leucocephalus),* golden eagle *(Aquila chrysaetos),* and white-tailed kite *(Elanus leucurus).* Notwithstanding the issuance of this ITP, any take of an individual of a fully protected species is subject to criminal and civil prosecution pursuant to the Fish and Game Code.

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.

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress/egress and staging. 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 Final Supplemental Environmental Impact Report (FSEIR, SCH#2018071002), by the Santa Barbara County Board of Supervisors, 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 Lake and Streambed

Alteration Agreement (LSA) 1600-2018-0314-R5 reached between Permittee and CDFW for the Project 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 forthcoming Biological Opinion File No. SPL-2018-00819-CLH for the Project pursuant to the Federal Endangered Species Act (FESA). 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:**

6.1. Restoration for other species adjacent to Covered Species individual(s). Prior to any restoration activities occurring within 200 meters of a Covered Species individual(s), a plan shall be submitted to and approved in writing by CDFW prior to any work occurring.

6.2. 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.

6.3. Designated Botanist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Botanist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Botanist is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Botanist 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 Botanist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Botanist must be changed.

6.4. Designated Botanist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Botanist 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.

6.5. Education Program. Permittee shall conduct an education program (Worker Environmental Awareness Program – WEAP) for all persons employed or otherwise working in the Project Area before performing a Covered Activity. The program shall consist of a presentation from the Designated Botanist 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. The training should include information about stopping the spread of *Phytophthora cinnamomic* (PHYCIN). 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.

6.6. Construction Monitoring Notebook. The Designated Botanist shall maintain a construction-monitoring notebook 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. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project Site upon request by CDFW.

6.7. 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.

6.8. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Botanist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles to the extent feasible.

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.

6.10. Minimization of Impacts. The Permittee will minimize the amount of disturbance to areas devoted to WTGs; power line poles; temporary and permanent access roads; stockpiles; staging, parking and lay down areas; areas where spoil will be used to control erosion, build new roads, and improve road shoulders; and areas for associated facilities.

6.11. Pre-Construction Surveys. The approved Designated Botanist shall conduct appropriately timed pre-construction surveys for sensitive native plant species in all areas to be disturbed, including power pole locations and access roads. The areas will be marked and avoided until confirmed any potential impact is consistent with consultation with the Service and any other permits.

6.12. Speed Limit. A speed-limit of 15 miles an hour shall be implemented on all of the Strauss Wind Farm main project site and transmission line corridor.

6.13. Delineation of Property Boundaries. Before starting Covered Activities, Permittee shall, in consultation with the Designated Botanist, clearly delineate the boundaries, consistent with the grading plan, within which the Covered Activities will take place 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.

6.14. Delineation of Habitat. Permittee shall, in consultation with the Designated Botanist, clearly delineate habitat of the Covered Species within the proposed Conserved Gaviota Tarplant Mitigation Lands with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

6.15. Project Access. Project-related personnel shall access the Project Area using existing routes 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 where feasible. 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 if feasible. 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.

6.16. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Site using previously disturbed areas.

6.17. 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 three proposed restoration areas and shall properly contain and dispose of any unused or leftover hazardous products outside the three specific restoration areas.

6.18. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area under Permittee's control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

6.19. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all 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. Other Notifications. Following ITP issuance, Permittee shall provide written notification to CDFW 30 days prior to undertaking any of the following research and conservation activities:

- Conservation-related seed collecting in coordination with CDFW with post-activity documentation;
- Periodic Gaviota tarplant distribution surveys and mapping; and,
- Restoration planning and activities for any species.

7.3. Quarterly Monitoring for Argentine Ants. Quarterly monitoring shall be conducted by a qualified biologist along the interface of construction-open space areas for the presence of Argentine ants. If Argentine ants are detected during monitoring, direct control measures will be implemented within 5 days and a monthly report, including remedial actions and issue resolution, will be sent to CDFW, USFWS, and the County of Santa Barbara.

7.4. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW 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. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours to the extent feasible.

7.5. Compliance Monitoring. The Designated Botanist shall be on-site daily when Covered Activities occur. The Designated Botanist 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 Botanist shall prepare daily written observation and inspection records that summarizes: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

7.6. Quarterly Compliance Report. The Designated Representative or Designated Botanist shall compile the observation and inspection records identified in Condition of Approval 7.5 into a Quarterly 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. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Steve Gibson at Steve.gibson@wildlife.ca.gov and Headquarters CESA Program email is CESA@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. Construction and Operations and Maintenance 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 for the duration of the permit. Each ASR shall include, at a minimum: 1) a summary of all 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. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: 1) a summary of all Quarterly Compliance Reports and all ASRs; 2) a copy of the table in 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.

7.9. Annual Technical Advisory Committee Report. Permittee shall convene the Technical Advisory Committee (TAC), further described in Condition of Approval 9.1.1. Permittee shall facilitate the TAC to provide an annual report, commencing with the year impacts to Covered Species begin, that summarize the activities performed each year to manage and monitor the Covered Species, a list of recommendations for the current year, and any recommendations for adaptive management. This report shall also include a description of the funding allocated for these management and monitoring activities.

7.10. CNDDB Observations. The Designated Botanist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Botanist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

8. 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:

8.1. Construction Fencing/Barrier. Permittee shall install fencing to clearly delineate the limits of grading/impact and the boundary of the Conserved Gaviota Tarplant Mitigation Lands (See Condition of Approval 9.1). The signs shall read "Sensitive Habitat Beyond this Sign. No Ground Disturbance or Vegetation Clearing." Permittee shall maintain and/or replace these signs and fencing as necessary. During operations and maintenance, no additional impacts may occur in the Conserved Gaviota Tarplant Mitigation Lands.

8.2. Noxious Weeds and Non-Native Species Control Plan. Prior to construction, Permittee shall submit to CDFW a detailed Noxious Weeds and Non-Native Species Control Plan (NWNSPCP). The NWNSPCP shall include measures to ensure graded or cleared earth within the Project Area (e.g., grading footprint and Conserved Gaviota Tarplant Mitigation Lands) does not establish weeds that would become a source of degradation for adjacent conservation lands. The NWNSPCP shall address weed introduction/establishment, eradication of weeds prior to setting seed, compaction and/or soil disturbance associated with slopes, and a species-specific planting plan, including locally collected seed sources, for all areas to be revegetated/restored. Monthly status reports including a list of all weed species detected, growth state (e.g., vegetative, flowering, seed), a map, and what methods were used to eradicate weeds shall be included.

8.3. Invasive Species. Permittee shall ensure that no species contained in the Cal-IPC Invasive Plant Checklist (https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf) listed for any region, is planted on-site for landscaping or Project site restoration. This includes Peruvian/'California' pepper tree (*Schinus mole*) and fountain grass (*Pennisetum* spp.) species.

8.4. Building Footprints. The site development shall be built in the location and size identified in the ITP application, as modified by information submitted to CDFW on March 13, 2020. Prior to commencement of Covered Activities, Permittee shall submit to CDFW 100 percent engineering drawings of the facilities described in the Project Description. Plans shall be full size (24 in x 36 in). In comparison to the ITP application, the March 13, 2020 transmittal depicted removal of turbines N-5 and W-1 and associated spur roads from Gaviota tarplant habitat, micro-siting turbine N-6 outside of Gaviota tarplant habitat, and reduction to the turbine pads for N-1, N-2, N-3, N-4, E-1. Any subsequent changes to the building location and/or size shall be

approved in writing by CDFW. At the time of issuance of the ITP, the specific locations of 27 turbines are known and shown in the map included as Figure 2, above. If the remaining 2 turbines are sited in locations where CDFW confirms that no direct or indirect impacts to Covered Species will occur, Figure 2 may be updated to show the locations of the remaining 2 turbines without formal amendment.

8.5. Work in Dry Weather Only. Work shall only occur during periods of dry weather (with less than a 40 percent chance of rain). No work shall occur during a precipitation event. Within at least 12 hours prior to the onset of precipitation, Covered Activities shall cease, all associated erosion control measures shall be in place, and all motorized equipment and fueling materials shall be removed from areas where runoff from these items can be reasonably foreseen to come into contact with Covered Species. Covered Activities halted due to precipitation may resume when precipitation ceases and after a dry-out period of 48 hours for rain events. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area. Weather forecasts shall be documented and provided upon request by CDFW.

8.6. Soil Movement. Soil from any location in the Project shall not be moved, to prevent unintended genetic mixing of different metapopulations of Covered Species seedbank. The Project site shall be divided into five Covered Species metapopulation zones (EO # 18, 25, 26, 27, and 28), and soil shall not be moved between zones, nor shall equipment move between zones without being thoroughly cleaned of all soil.

8.7. Erosion Control. Permittee shall prepare and implement a detailed Erosion Control Plan (ECP). The ECP shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as seed mixes, hydro mulch, fertile waddles or bales, or mono-filament netting. Any erosion control materials used must: (a) break down naturally; (b) be weed free; (c) contain no plastic or monofilaments; and (d) not exceed one inch in depth. Erosion control elements shall be checked and maintained on a daily basis to ensure proper function.

8.8. Designated Areas for Stockpiling Materials. Permittee shall ensure that all construction materials are placed only in areas identified in the ITP application that avoid impacts to Covered Species.

8.9. Check Equipment for Leaks. Permittee shall ensure that construction equipment and vehicles operated in the Project Area are checked and maintained daily to prevent leaks of fuel, lubricants, solvents or other fluids.

8.10. Hazardous Materials Spill Prevention Plan. Permittee shall prepare and implement a Hazardous Materials Spill Prevention Plan before starting any construction activities.

This plan shall include construction related spill prevention and response information as well as ongoing operation spill prevention and response planning. Ongoing operation of wind turbines requires the storage and use of lubricating fluid and cooling fluid. Daily inspections of wind turbines and all storage tanks during operation shall also be included in this Plan. Any leaks, fires, blade ejection, tower collapse, and ice shedding shall be reported to CDFW within 7 days.

8.11. Fire. To minimize the risk of fire, field crews conducting activities with the potential to inadvertently cause a fire (e.g., excavating, welding, grinding, metal cutting) shall be equipped with an appropriate level of fire prevention and suppression equipment, such as fire extinguishers, backpack pumps filled with water, shovels, welding tents, shields, and/or fire-resistant mats.

8.12. Integrated Pest Management Plan. An Integrated Pest Management (IPM) Plan shall be developed in coordination with CDFW. The plan shall incorporate measures to minimize the potential for invasive plants to enter the Project area and associated habitats due to construction or operation of the Project. The plan shall address the use of pesticides on site and shall include appropriate Best Management Practices to avoid and minimize adverse effects on the natural environment, including vegetation communities, special-status species, species without special status, and associated habitats. Invasive species to be addressed in the plan shall include, but are not limited to, those in the California Invasive Plant Council Invasive Plant Inventory (Cal-IPC Inventory) and those listed as California's Invaders by CDFW. Potential management practices include cultural (e.g., planting pest-free stock plants), mechanical (e.g., weeding, trapping), and biological controls (e.g., natural predators or competitors of pest species, insect growth regulators, natural pheromones, or biopesticides), and the judicious use of chemical controls, as appropriate (e.g., targeted spraying versus broadcast applications). The IPM plan will establish management thresholds (i.e., not all incidences of a pest require management); prescribe monitoring to determine when management thresholds have been exceeded; and identify the most appropriate and efficient control method that avoids and minimizes risks to natural resources. Herbicide application shall occur only during periods of low wind conditions (less than 5 mph) to avoid drift onto non-target species, including Gaviota tarplant. During construction, the Designated Botanist(s) shall ensure that the spread or introduction of invasive exotic plant species will be avoided to the maximum extent possible. During Operations, the land manager shall ensure the spread or introduction of invasive plant species will be avoided or invasion will be addressed to the maximum extent practice. Rodenticides shall not be used on the Project site at any time.

8.13. Gaviota Tarplant Enhancement Plan and Gaviota Tarplant Mitigation, Monitoring, and Long-Term Management Plan. Permittee shall minimize effects to Gaviota

tarplant in the Project Area by implementing a CDFW-approved Gaviota Tarplant Enhancement Plan (GTEP) and a Gaviota Tarplant Mitigation, Monitoring, and Long-Term Management Plan (MMLMP). The goals of these plans shall be to minimize effects to the population of Covered Species and preserve the population on-site in perpetuity (see Condition of Approval 9 – Habitat Management Land Acquisition and Restoration, below).

8.14. Argentine Ant Invasion Prevention. To preclude the invasion of Argentine ants into the Conserved Gaviota Tarplant Mitigation Lands and the associated buffer, controls shall be implemented using an integrated pest management (IPM) approach in accordance with the GTEP and MMLMP. The controls include "dry zones," dry areas and appropriate pathway material selection, checking container plants and condition maintenance, and use of drought-resistant plants in fuel modification zones designed to prevent establishment of suitable habitat for Argentine ant colonies.

8.15. Prevention of Accidental Spills. Prior to the onset of work, Permittee shall ensure that a plan is in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to implement should a spill occur.

8.16. Demarcation of ESAs. Environmentally Sensitive Areas (ESAs), including occupied Gaviota tarplant habitat, will be delineated to confine access routes and construction areas outside of the ESAs to the approved boundaries for construction and minimize the impact to Covered Species. The ESAs will be delineated with high visibility temporary fencing, flagging, or other barrier to prevent encroachment of construction personnel and equipment onto any sensitive areas during Project work activities. Such fencing shall be inspected and maintained daily until completion of the construction and shall be removed only when all construction equipment is removed from the site. No Project activities may occur inside the avoided ESAs.

8.17. Population Stability Analysis. If at any time during the term of this ITP, there is a decline in the population of the Covered Species, the operation of the wind turbines shall be terminated or modified as agreed upon by the TAC.

9. Habitat Management Land Acquisition and Restoration:

CDFW has determined that permanent protection and restoration, as well as perpetual management of compensatory habitat (HM Lands) 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 Covered Species habitat in the Project Area, the extent to which the Covered Activities will impact the Covered Species habitat, the overall status of the species, and CDFW's estimate of the acreage required to provide for

adequate compensation.

Mitigation was calculated using the following impacts (Refer to Table 2. Impacts to Covered Species):

- Direct impacts to 27 acres of occupied habitat;
- Direct Impact to between 132,990 and 830,476 individuals;
- Indirect impacts to up to 187.89 acres (includes buffer area and wind turbulence area);
- Indirect impacts to up to 3,855,245 to 4,791,637 individual plants;
- Direct impact to 27 acres of Covered Species seed bank; and,
- Indirect impacts to 214.89 acre of Covered Species seed bank within the Conserved Gaviota Tarplant Mitigation Lands.

CDFW has determined that the following compensatory habitat mitigation lands (HM lands) are necessary to meet the fully mitigated standard: 1) on-site preservation, enhancement, and management of 204.4 acres of Covered Species occupied habitat and an additional 200-meter buffer surrounding the occupied habitat, and a minimum of 5,906,784 individuals; and 2) off-site restoration, enhancement, and management of 27 acres of occupied habitat. To meet this requirement, Permittee shall do all of the following:

9.1. On-site Mitigation. Permittee shall cause a conservation easement(s) to be recorded that covers no less than: 1) 204.4 acres of Covered Species occupied habitat not being directly graded, in the Project Area, and 2) minimum 200-meter buffers and pollinator habitat. Figure 3, above, identifies the currently anticipated Conservation Area that totals 1,946 acres and is herein defined as Conserved Gaviota Tarplant Mitigation Lands. The conservation easement(s) shall include a 200-meter buffer around occupied Covered Species habitat. If, in finalization of the conservation easement(s) a 200-meter buffers is not possible in a specific location due to existing uses (e.g., pre-existing land use, property boundaries), with CDFW approval additional monitoring and/or management measures shall be implemented through the MMLMP to provide adequate protection of the Covered Species habitat from impacts. Additional measures may include but are not limited to; 1) additional invasive species removal, 2) additional Argentine Ant monitoring, 3) additional invasive plant species monitoring, and 4) fencing. These additional measures shall be discussed and vetted by the Land Manager and included in the final MMLMP prior to recording the conservation easement(s).

Additional funding may be required in the Endowment to ensure adequate protection of the Conserved Gaviota Tarplant Mitigation Lands in perpetuity. The conservation easement(s) shall be recorded within six months of the effective date of this ITP. Wind energy production shall not commence until a conservation easement(s) satisfying this condition has been recorded. Funding shall be provided as described

below, for the Conserved Gaviota Tarplant Mitigation Lands to be managed for the benefit of Gaviota tarplant in perpetuity.

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 Conserved Gaviota Tarplant Mitigation Lands provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. CDFW shall act as grantee for a conservation easement(s) over the Conserved Gaviota Tarplant Mitigation 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(s) over the Conserved Gaviota Tarplant Mitigation 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(s), CDFW shall be expressly named in the conservation easement(s) as a third-party beneficiary.

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)

The Conserved Gaviota Tarplant Mitigation Lands shall be subject to the following minimum standards for monitoring and management.

9.1.1. Gaviota Tarplant Enhancement Plan (GTEP) and Mitigation, Monitoring, and Long-Term Management Plan (MMLMP). Within 4 months of ITP issuance Permittee shall obtain CDFW-approval of a final GTEP and a final MMLMP for the HM Lands. Permittee submitted a draft MMLMP to CDFW on March 27, 2020. The final MMLMP shall detail specific, long-term conservation easement management activities, goals, and objectives for all HM Lands. The MMLMP shall describe activities including but not limited to grazing activities, non-native species monitoring and control, fencing maintenance, and access restrictions. The GTEP and MMLMP shall be consistent with this condition and shall incorporate all approved plans and requirements of Condition of Approval 9.1, inclusive of subparagraphs. All portions of the Conserved Gaviota Tarplant Mitigation Lands shall be closed, with the exception of preidentified existing dirt roads, which will function as access routes for the Mitigation Lands manager, Conserved Gaviota Tarplant Mitigation Lands maintenance personnel, utility personnel, and emergency services vehicles (e.g., police, fire, and medical).

9.1.2. Management and Monitoring Goals. The MMLMP and GTEP, required by Conditions of Approval 9.1.1, shall include, but will not necessarily be limited to, the following biological goals:

Goal 1: Conserve 204.4 acres of Covered Species-occupied habitat and 5,906,784 individuals in perpetuity.

Goal 2: Maintain Covered Species-occupied habitat outside of the development footprint at current or greater levels of suitability for Gaviota tarplant.

Goal 3: Monitor Gaviota tarplant population dynamics (areal extent, density, total number) within the Mitigation Lands.

Goal 4: Enhance existing suitable Covered Species habitat within the Mitigation Lands through management of conditions on site.

Goal 5: Monitor conditions within the Mitigation Lands for potential deleterious effects (e.g., invasive weeds, Argentine ants, erosion).

Goal 6: Avoid and minimize direct and indirect impacts to Covered Species and suitable habitat associated with allowed activities in the Mitigation Lands.

Goal 7: Provide adequate funding for in-perpetuity management of 204.4 acres and 5,906,784 individuals the preserve and 27 acres on Dangermond Preserve.

9.1.3. Permittee shall fund monitoring and management that at minimum includes the following components:

- Quantitative Field Data. Quantitative field data shall be used to study variability in the Gaviota tarplant populations, to evaluate the effectiveness of management activities, to provide an off-site reference for the Tranquillon Mountain/Sudden Peak occurrence, and to assess the need for additional management. Data from on-site and offsite populations will also be viewed holistically to help inform management of the species range wide.

- Quantitative Success Criteria. Quantitative success criteria shall be established including measures of Gaviota tarplant cover and presence of non-native species thought to negatively affect Gaviota tarplant success.

- Long-term Performance Standards. Long-term performance standards

shall include, but not be limited to, criteria such as maintaining the 204.4 acres to limit invasive species to the maximum extent feasible or demonstrating suitable habitat characteristics as defined in the Habitat Characterization Study. All monitoring and management activities will be designed and implemented with the objective of achieving the success criteria.

Permittee submitted a draft Gaviota Tarplant Enhancement Plan (GTEP) to CDFW on March 27, 2020. The draft GTEP described a Habitat Characterization Study, Range-wide Habitat Suitability Monitoring Plan, Seed Collection Plan, Genetics Study, Top Soil Salvage and Relocation Plan, Germination Trials, Seeding Trials Plan, Introduction, and Seed Bank Enhancement Plan. Permittee shall obtain CDFW approval of a final GTEP within 4 months of issuance of this ITP. Table 3 summarizes the adaptive management thresholds and responsive actions necessary to protect the Covered Species within the Conserved Gaviota Tarplant Mitigation Lands in perpetuity.

9.1.4. Adaptive Management Plan. Within 4 months of ITP issuance, Permittee shall obtain CDFW approval of an Adaptive Management Plan for the Conserved Gaviota Tarplant Mitigation Lands. After approval of the MMLMP and GTEP for the Conserved Gaviota Tarplant Mitigation Lands, if the TAC determines that adjustments to monitoring and management activities are needed, based upon monitoring data or changes in the best available science, the TAC will propose changes to CDFW and the Mitigation Lands Manager in writing and these proposed changes shall be subject to review and approval by CDFW. Major adjustments to management will be based on multiple years of monitoring data and upon the entire catalog of knowledge on Covered Species, and information gained through the monitoring period. However, in all cases, the MMLMP and GTEP shall be consistent with the CDFW-approved conservation easement(s). An adaptive management and emergency response fund shall be established, to support adaptive management.

Table 3 – Adaptive Management Requirements.

Monitoring Type	Threshold	Action	Overseen By
Gaviota Tarplant Abundance, Extent, and Recruitment[1]	1. A significant decline at a 90% confidence interval in abundance of Gaviota tarplant within occupied habitat, assessed over two monitoring events. 2. A significant decline at a 90% confidence interval in areal extent of Gaviota tarplant assessed over two monitoring events.	Focused invasive species control, modifications to grazing management, Gaviota tarplant seeding, exclusion fence repair.	Interim Lands Manager and Interim Grazing Manager (First 5 years), Lands Manager and Grazing Manager (Years 6+)
Gaviota Tarplant Seed Bank Monitoring	A 10-percentage point reduction in Gaviota tarplant seed density (90% confidence interval)	Seed Bank Enhancement per Enhancement Plan	Interim Lands Manager (First 5 years), Lands Manager (Years 6+)
Gaviota Tarplant Genetics	Significant decline in genetic diversity within the Tranquillon/Sudden Peak occurrence	Seed Bank Enhancement per Enhancement Plan and Genetics Management Plan	Interim Lands Manager (First 5 years), Lands Manager (Years 6+)
Gaviota Tarplant Habitat (associated plant species) [1]	A 10-percentage point increase in frequency of occurrence and/or percent cover of factors expected to negatively impact Gaviota tarplant distribution, which may include certain non-native plant species, or unnatural disturbances.	Focused invasive species control, modifications to grazing management, exclusion fence repair.	Interim Lands Manager and Interim Grazing Manager (First 5 years), Lands Manager and Grazing Manager (Years 6+)
Invasive Species[1]	A 10-percentage point increase in frequency of occurrence and/or percent cover of factors expected to negatively impact Covered Species distribution, which may include certain non-native plant species, or unnatural disturbances, along with a localized decline in Covered Species.	Focused invasive species control	Interim Lands Manager (First 5 years), Lands Manager (Years 6+)

Monitoring Type	Threshold	Action	Overseen By
Grazing Quantitative Monitoring	Residual dry matter (RDM) greater than suitable range for Covered Species persistence per the results of annual monitoring and the Habitat Characterization Study	Modify Grazing Management Plan	Interim Lands Manager and Interim Grazing Manager (First 5 years), Lands Manager and Grazing Manager (Years 6+)
Gaviota Tarplant Habitat (Vegetation community type change)	A 10-percentage point net decrease in suitable habitat for Covered Species within Conserved Gaviota Tarplant Mitigation Lands measured relative to the 2019 baseline	Focused invasive species control, modifications to grazing management, exclusion fence repair.	Interim Lands Manager and Interim Grazing Manager (First 5 years), Lands Manager and Grazing Manager (Years 6+)
Gaviota Tarplant Pollinators Monitoring	A 10-percentage point decrease (90% confidence interval) in the total number of pollinators or any suite of pollinators for Covered Species within Conserved Gaviota Tarplant Mitigation Lands	Pollinator enhancement actions (Annual grass control, native forb seeding, seed bank enhancement)	Interim Lands Manager (First 5 years), Lands Manager (Years 6+)
Hydrology Monitoring	Significant difference between control and effect stations across a minimum of three years	Identify and correct Project-related alterations in hydrology	Interim Lands Manager (First 5 years), Lands Manager (Years 6+)
Gaviota Tarplant Dispersal Vectors	Observable increase in Covered Species isolation or fragmentation coupled with a decrease in game trails, wildlife use, and domestic livestock use within occupied Gaviota tarplant habitat.	Modify Grazing Management Plan, implement strategic Gaviota tarplant seeding, or other management action as needed.	Interim Lands Manager and Interim Grazing Manager (First 5 years), Lands Manager and Grazing Manager (Years 6+)
Argentine Ant Monitoring	Identification of Argentine ant invasions within occupied Covered Species habitat	Implement Argentine Ant control per the Argentine Ant Control Plan (Appendix D)	Interim Lands Manager (First 5 years), Lands Manager (Years 6+)

9.1.5. Gaviota Tarplant Technical Advisory Committee. Within 2 months of ITP issuance, Permittee shall provide the names and resumes of proposed TAC members, for CDFW review and approval. The TAC shall be convened within 4 months of ITP issuance to provide preliminary comments and recommendations on the goals, objectives and study plans detailed in the GTEP and MMLMP, and actions necessary to complete the tasks. This TAC shall be comprised of the Mitigation Lands manager, CDFW, USFWS, 2-3 academic professionals (approved by CDFW) with expert knowledge of Covered Species (*Deinandra increscens* ssp. *villosa*) pollinator ecology, and rare plant restoration. This TAC shall meet biannually (every 6 months) to review and provide input on the implementation of the MMLMP and GTEP (i.e., requirements for all restoration, study plans, study results, survey methodology, survey results, adaptive management plan, any adaptive management recommendations, and any other activities deemed necessary by this TAC). The TAC shall ensure best practices to all studies, such as those established by the Center for Plant Conservation, are adhered to. The TAC shall have the ability to recommend additional or modified monitoring or management activities to maintain the goals and objectives of the GTEP and MMLMP, in response to triggers established in the GTEP and MMLMP, or if it determines that changes are warranted based on other evidence or additional information. Permittee shall fund, and the Mitigation Lands Manager shall implement, the monitoring or management activities recommended by the TAC, if the TAC recommendations are approved by CDFW.

9.1.6. Top Soil Salvage and Relocation Plan/Restoration and Revegetation. The GTEP shall include the requirement that restoration and revegetation work associated with temporary impacts shall be done using locally collected California endemic plants appropriate for the location.

9.1.7. Gaviota Tarplant Pollinator Study and Pollinator Diversity and Abundance Monitoring. Within 3 months of ITP issuance, Permittee shall obtain CDFW approval of a final Gaviota Tarplant Pollinator Study and Pollinator Diversity and Abundance Monitoring Plan. Permittee shall conduct a pollination study, of the Strauss/Tranquillion Peak Gaviota tarplant population and an offsite population. This study shall include assessing pollinator(s) for the Covered Species. Permittee shall conduct follow up pollinator monitoring to assess diversity, abundance, and/or other metrics as necessary to detect change in pollinator visits. In response to a decrease of 10 percent or more in the total number of pollinators or any suite of pollinators, Permittee shall take specific management measures to reverse these declines. Management measures may include enhancing pollinator habitat, powering off turbines during peak effective pollinator

periods, and augmentation of grazing practices. This study shall be conducted three times per year for 5 years following CDFW approval of the study design and shall be conducted again in year 10 following approval of the study design and every 10 years thereafter. Modifications to the monitoring frequency may be allowed or required, as recommended by the TAC.

A significant decline in genetic diversity, fitness, or rare alleles shall trigger management action including seeding from initial collection, mixing seeds with nearby maternal lineages and implementing a genetics enhancement plan under the direction of the TAC.

9.1.8. Environmental DNA Analysis. While not a monitoring requirement, if possible to opportunistically capture important genetic sampling, the Permittee shall utilize environmental DNA (eDNA) analysis (or another method approved in advance by the TAC) that identifies, to the species level, the insects killed by the Project wind turbines. The eDNA analysis may include samples collected from the turbine blades or an agreed upon location.

9.1.9. Gaviota Tarplant Habitat Characterization Study. Within 3 months of ITP issuance, Permittee shall obtain CDFW approval of a Habitat Characterization Study. This study must be completed within 6 months of ITP issuance to facilitate the management and monitoring required for this ITP. Permittee shall conduct a habitat characterization study for the Covered Species for both the Conserved Gaviota Tarplant Mitigation Lands and throughout the range of Gaviota tarplant.

9.1.10. Long-Term Conservation Seed Collection. Within 3 months of ITP issuance, the Permittee shall obtain CDFW approval of a Long-term Conservation Seed Collection Plan. Seed from the Conserved Gaviota Tarplant Mitigation Lands shall be collected and entered as a permanent, maternal line collection for species conservation at a facility with the expertise and equipment necessary to ensure proper seed storage without genetic contamination, following the Center for Plant Conservation's Guidelines, which include guidelines addressing: Conventional Seed Banking to Support Species Survival in the Wild; Genetic Guidelines for Acquiring, Maintaining, and Using a Conservation Collection; Rare Plant Reintroduction and Other Conservation Translocations; and Documentation and Data Sharing.

9.1.11. Grazing Management Plan. Within 3 months of ITP issuance, the Permittee shall obtain CDFW approval of a Grazing Management Plan for the Conserved Gaviota Tarplant Mitigation Lands. The plan shall include the current management activities as well as management activities proposed to provide additional lift to Covered Species populations onsite.

9.1.12. Argentine Ant Monitoring. Within 6 months of ITP issuance, Permittee shall have in place a CDFW approved Argentine Ant monitoring plan. Permittee shall initiate quarterly quantitative monitoring of the active construction/restoration sites as well as the Conserved Gaviota Tarplant Mitigation Lands for Argentine ant invasion. If ants are found, Permittee shall implement an eradication program. Ongoing qualitative monitoring for Argentine ants will required for the on-site mitigation in perpetuity (Attachment D or the MMLMP).

9.1.13. Seedbank Management and Seeding Trials. Within 6 months of ITP issuance, Permittee shall have in place a CDFW-approved seeding trials and seedbank augmentation study to inform enhancement activities focused on increasing the density and extent of Gaviota tarplant in occupied and currently unoccupied sites.

9.1.14. Atmospheric Moisture/Soil Hydrology Monitoring Plan. Within 3 months of initiating wind energy production, Permittee shall obtain CDFW approval of an Atmospheric Moisture/Soil Hydrology Monitoring Plan. The Permittee shall monitor atmospheric moisture, including fog layer, and soil hydrology on the conservation lands. This monitoring shall occur annually for the first five years of Project operations and continue on a frequency as determined appropriate by the TAC. This monitoring shall be designed as a study, with controls, methods, data management, so that the monitoring and analysis is repeatable. Soil moisture monitoring shall measure any Project induced changes to sub-surface hydrology, with particular focus on soil restrictive layers. Decline in fog layer or atmospheric moisture from turbines, or subsurface hydrology shall trigger adaptive management to address deficiencies.

9.1.15. On-site Gaviota Tarplant Quantitative and Qualitative Monitoring. Within 6 months of ITP issuance, the Permittee shall obtain CDFW approval of Quantitative and Qualitative Monitoring Plans for the Conserved Gaviota Tarplant Mitigation Lands. Permittee shall submit a plan for review and approval that includes the monitoring of Gaviota Tarplant phenology, erosion, seed dispersal, invasive species, preserve condition, and photo documentation. This plan shall also include qualitative Argentine ant monitoring, to augment the quantitative Argentine ant monitoring required by Condition of Approval 9.1.12. Monitoring shall occur annually from year one to year three following CDFW approval of the plan and shall be repeated every two years from year four to year 10, and once every five years thereafter. Permittee shall conduct qualitative monitoring in the years quantitative monitoring does not occur. This measure will ensure a minimum of 204.4 acres of Covered Species occupied habitat and 5,906,784 Covered Species individuals continue to occur on the Conserved Gaviota Tarplant Mitigation Lands.

Any decline (cumulative or from any two seasons) shall trigger adaptive management measures to correct the cause of the decline.

9.1.16. Mitigation Lands Management. A qualified natural lands management entity(s) shall be selected with prior written approval from CDFW to manage the Conserved Gaviota Tarplant Mitigation Lands in perpetuity, consistent with this ITP, the conservation easement(s), the approved GTEP and MMLMP. In addition, the TAC may recommend modifications to the GTEP and MMLMP, and, if such modifications are approved by CDFW, shall be funded by the Permittee and implemented by the management entity. The overall management goal is to provide for the long-term protection and sustainability of the Gaviota tarplant, including its seedbank and pollinator(s) within the conservation easement(s) in perpetuity.

9.1.16.1. Mitigation Lands Approval. Permittee shall obtain CDFW written approval of the Conserved Gaviota Tarplant Mitigation Lands by submitting, at least three (3) months before placing a conservation easement(s) on the Conserved Gaviota Tarplant Mitigation Lands, a formal Proposed Lands for Acquisition Form (see [Attachment 2B]) identifying the property interest to be conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

9.1.16.2. Mitigation Lands Documentation. Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see [Attachment 2A]). All documents conveying the Conserved Gaviota Tarplant Mitigation 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.

9.1.16.3. Land Manager(s). Permittee shall designate both an interim and long-term land manager, approved in advance in writing 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. The interim and long-term land manager shall not be the same entity as the conservation easement(s) holder. However, if approved by CDFW, the interim and/or long-term manager may be the holder of a long-term land management easement(s) over the Conserved Gaviota Tarplant Mitigation Lands. Permittee shall notify CDFW prior to any subsequent changes in the land manager and obtain CDFW's advance written approval of the new land manager. 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.

9.1.16.4. Start-up Activities. Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of Conserved Gaviota Tarplant Mitigation Lands, once the Conserved Gaviota Tarplant Mitigation Lands have been approved by CDFW. Start-up activities include, at a minimum: 1) preparing final MMLMP and GTEP for CDFW approval (see Condition of Approval 9.1.1); 2) conducting a baseline biological assessment and land survey report within six months of issuance of the ITP; 3) developing and transferring Geographic Information Systems (GIS) data if applicable; 4) establishing initial fencing, if applicable; 5) conducting litter removal; 6) conducting initial habitat restoration or enhancement, if applicable; and; 7) installing signage, if applicable;

9.1.16.5. Interim Management (Initial and Capital). Permittee shall provide for the interim management of the Conserved Gaviota Tarplant Mitigation Lands. The Permittee shall ensure that the interim land manager implements the interim management of the Conserved Gaviota Tarplant Mitigation Lands as described in the final MMLMP and GTEP and conservation easement(s) approved by CDFW. The interim management period shall be a minimum of three (3) years from the date of Conserved Gaviota Tarplant Mitigation Lands acquisition and protection and initial 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 if applicable, continuing trash removal, invasive species assessment and treatment, propagation material collection, propagation of seedlings, site preparation for planting, planting of seedlings and monitoring and maintenance of seedlings. Permittee shall either: 1) provide a security to CDFW for the minimum of three years of interim management that the Permittee or interim 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 interim land manager.

9.1.17. Cost Estimates. CDFW has estimated the cost for protection and perpetual management of the Conserved Gaviota Tarplant Mitigation Lands and Adjustments up or down to the following estimates may be required once the Mitigation Lands Manager is determined and consulted, MMLMP and GTEP are

finalized, and the final management needs are determined. Estimates provided by the Permittee are as follows:

9.1.17.1. HM Lands Ownership. On-site Conserved Gaviota Tarplant Mitigation Lands are leased by Permittee. Acquisition costs for the Conserved Gaviota Tarplant Mitigation Lands conservation easement(s) identified in Condition of Approval 9.1, above, are estimated at $5,500,000.00. Conservation easement acquisition costs are estimated using local fair market current value for acquisition of alternative lands with habitat values meeting mitigation requirements.

9.1.17.2. Mitigation Funding (GTEP and MMLMP). Permittee prepared an estimate of the initial start-up costs, and ongoing annual costs, of management and monitoring activities outlined in the draft GTEP and MMLMP required by Condition of Approval 9.1.1, for the management of the Conserved Gaviota Tarplant Mitigation Lands in perpetuity. Those estimates are:

9.1.17.2.1. Start-up costs for the Conserved Gaviota Tarplant Mitigation Lands, including initial site protection and enhancement costs as described in Condition of Approval 9.1.16.4, above, estimated at $19,360.00;

9.1.17.2.2. Interim management period funding for the Conserved Gaviota Tarplant Mitigation Lands, as described in Condition of Approval 9.1.16.5, above, estimated at $2,333,624;

9.1.17.2.3. Long-term management funding for the Conserved Gaviota Tarplant Mitigation Lands as described in Condition of Approval 9.1.18, below, estimated at $2,560,256. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of the Conserved Gaviota Tarplant Mitigation Lands management.

9.1.17.2.4. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation reviews, and overhead related to transfer of Conserved Gaviota Tarplant Mitigation Lands to CDFW as described in Condition of Approval 9.1, estimated at $3,000.00. Permittee shall be responsible for such fees and costs.

9.1.18. Conserved Gaviota Tarplant Mitigation Lands Endowment Funding. Permittee shall be responsible for funding all measures required by the GTEP and MMLMP and all avoidance, minimization and mitigation measures associated with this ITP, including the restoration activities, as well as the monitoring and management

activities. Permittee shall ensure that the Conserved Gaviota Tarplant Mitigation Lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement(s), and the final management plan approved by CDFW. After obtaining CDFW approval of the Conserved Gaviota Tarplant Mitigation Lands, Permittee shall provide long-term management funding for the perpetual management of the Conserved Gaviota Tarplant Mitigation 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 Conserved Gaviota Tarplant Mitigation Lands consistent with the final MMLMP and GTEP required by Condition of Approval 9.1.1. 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. Permittee shall obtain CDFW's written approval of any agreement governing the management, investment, or expenditure of the Endowment.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the Conserved Gaviota Tarplant Mitigation Lands according to the final MMLMP and GTEP. The long-term land manager shall be obligated to manage and monitor the Conserved Gaviota Tarplant Mitigation Lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement(s), and the MMLMP and GTEP. Such activities shall be funded through the Endowment.

9.1.18.1. 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).

9.1.18.2. Calculate the Final Endowment Funds Deposit. After obtaining CDFW written approval of the Conserved Gaviota Tarplant Mitigation Lands, MMLMP, GTEP, and Endowment Manager, Permittee shall prepare a final Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to the Mitigation Lands Manager, to ensure the long-term management of the Conserved Gaviota Tarplant Mitigation Lands (Endowment Deposit Amount). Permittee shall submit to CDFW and the Mitigation Lands Manager for review and approval the results of the PAR before transferring funds to the Endowment Manager.

9.1.18.2.1. 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.

9.1.18.2.2. 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:

9.1.18.2.3. 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.

9.1.18.2.4. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after initial funding of the Endowment.

9.1.18.2.5. 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.

9.1.18.3. Transfer Long-term Endowment Funds. Permittee shall fund the Endowment as follows:

1) Permittee shall transfer at least 50 percent of the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above, which shall occur within six months of issuance of the ITP.

2) Permittee shall transfer at least 25 percent of the remainder of the Endowment Deposit Amount, plus any transactional fees, annually to the Endowment Manager over the next four years.

3) The Endowment shall be fully funded within five years of approval of the Endowment Deposit Amount. 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.

9.2. Off-site Mitigation. Permittee shall provide funding for the enhancement and perpetual monitoring and management of 27 acres of occupied Gaviota tarplant habitat within the Point Conception occurrence of Gaviota tarplant, which exists on the Dangermond Preserve, owned and managed by The Nature Conservancy ("Dangermond Preserve Off-site Mitigation Lands"). Within two weeks of issuance of this ITP, Permittee shall meet and confer jointly with The Nature Conservancy and CDFW to develop the final land management plan describing the interim and long-term management of the Dangermond Preserve Off-site Mitigation Lands. Within six months of issuance of this ITP, Permittee shall obtain CDFW and The Nature Conservancy's approval of the final land management plan, and interim and long-term management shall be funded and conducted as described in the approved plan. Permittee shall provide funding for the Dangermond Preserve Off-site Mitigation Lands through an endowment, separate from the endowment that funds the long-term management of the Conserved Gaviota Tarplant Mitigation Lands, as detailed in Condition of Approval 9.2.3, below (the "Dangermond Endowment"). See Figure 6 below.

9.2.1. Mitigation Lands Management. The Dangermond Preserve is owned and managed by The Nature Conservancy. The Dangermond Preserve Off-site Mitigation Lands shall be managed in perpetuity, consistent with this ITP and the approved interim and long-term management plan. The overall management goal is to provide for

the long-term protection and sustainability of the Gaviota tarplant, including its seedbank and pollinator(s) within the 27 acres of Dangermond Preserve Off-site Mitigation Lands, in perpetuity.

9.2.1.1. Off-site Management and Monitoring Goals. The Dangermond Preserve Off-site Mitigation Lands, required by Condition of Approval 9.2, shall include, but will not necessarily be limited to, the following biological goals:

Goal 1: Maintain 27 acres of Covered Species-occupied habitat in perpetuity.

Goal 2: Eradicate ice plant and all other perennial invasive plant species (zero percent cover).

Goal 3: Monitor Covered Species population dynamics (areal extent, density, total number).

Goal 4: Enhance existing suitable Covered Species habitat through suppression of annual invasive plant species on site.

Goal 5: Monitor conditions within the Mitigation Lands for potential deleterious effects (e.g., invasive weeds, erosion).

Goal 6: Provide adequate funding for in-perpetuity management of 27 acres Dangermond Preserve Off-site Mitigation Lands.

9.2.1.2. Land Manager(s). Permittee shall designate both an interim and long-term land manager approved in advance in writing 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 prior to subsequent changes in the land manager and obtain CDFW's advance written approval of the new land manager.

9.2.1.3. Start-up Activities. Permittee shall provide for the implementation of start-up activities, including the initial enhancement of the Dangermond Preserve Off-site Mitigation Lands, once the Dangermond Preserve Off-site Mitigation Lands have been approved by CDFW. Start-up activities include, at a minimum: 1) preparing final land management plan for CDFW approval (see Condition of Approval 9.2); 2) conducting a baseline biological assessment; 3) developing and transferring Geographic

Information Systems (GIS) data if applicable; 4) establishing initial fencing, if applicable; 5) conducting litter removal; 6) conducting initial habitat restoration or enhancement, and; 7) installing signage, if applicable;

Figure 6 - Off-Site Mitigation Area

9.2.1.4. Interim Management (Initial and Capital). Permittee shall provide for the interim management of the Dangermond Preserve Off-site Mitigation Lands. The Permittee shall ensure that the interim land manager implements the interim management of the Dangermond Preserve Off-site Mitigation Lands as described in the final land management plan approved by CDFW. The interim management period shall be a minimum of three (3) years from the date of Dangermond Preserve Off-site Mitigation Lands

land management plan approval and full funding of the Dangermond Endowment and includes expected management following start-up activities. Interim management period activities described in the final land management plan shall include fence repair if applicable, continuing trash removal, invasive species assessment and treatment. Permittee shall either: 1) provide a security to CDFW for the minimum of three years of interim management that the Permittee or interim 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 interim land manager.

9.2.2. Cost Estimates. CDFW has estimated the perpetual management of the Dangermond Preserve Off-site Mitigation Lands based on current information. Adjustments up or down to the following estimates may be required once the Mitigation Lands Manager is determined and consulted, land management plan finalized, and the final management needs are determined. Estimates provided by the Permittee are as follows:

9.2.2.1. HM Land Ownership. Dangermond Preserve Off-site Mitigation Lands are owned by The Nature Conservancy.

9.2.2.2. Mitigation Funding. Permittee prepared an estimate of the initial start-up costs, and ongoing annual costs, of management and monitoring activities outlined in a draft land management plan required by Condition of Approval 9.2, for the management of the Dangermond Preserve Off-site Mitigation Lands, in perpetuity. Those estimates are:

9.2.2.2.1. Start-up costs for Dangermond Preserve Off-site Mitigation Lands, including initial enhancement costs as described in Condition of Approval 9.2.1.3, above, estimated at $117,295.

9.2.2.2.2. Long-term management funding for the Dangermond Preserve Off-site Mitigation Lands, estimated at $482,265. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of Dangermond Preserve Off-site Mitigation Lands management.

9.2.3. Dangermond Preserve Off-Site Mitigation Lands Endowment Funding. Permittee shall be responsible for funding the perpetual management of the Dangermond Preserve Off-Site Mitigation Lands as described in this condition. Permittee shall

ensure that the Dangermond Preserve Off-Site Mitigation Lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP and the final land management plan approved by CDFW. After obtaining CDFW approval of the Dangermond Preserve Off-Site Mitigation Lands land management plan, Permittee shall provide long-term management funding for the perpetual management of the Dangermond Preserve Off-Site Mitigation Lands by establishing a long-term management fund (Dangermond Endowment). The Dangermond 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 Dangermond Preserve Off-Site Mitigation Lands consistent with the final long-term land management plan required by Condition of Approval 9.2. Dangermond Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Dangermond Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. Permittee shall obtain CDFW's written approval of any agreement governing the management, investment, or expenditure of the Dangermond Endowment.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the Dangermond Preserve Off-Site Mitigation Lands according to the final long-term management plan. The long-term land manager shall be obligated to manage and monitor the Dangermond Preserve Off-Site Mitigation Lands in perpetuity to preserve their conservation values in accordance with this ITP, the existing conservation easement(s), and the long-term management plan. Such activities shall be funded through the Dangermond Endowment.

9.2.4. Identify a Dangermond Endowment Manager. The Dangermond Endowment shall be held by the Dangermond 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 Dangermond Endowment Manager; (ii) whether the proposed Dangermond Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Dangermond 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 Dangermond 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).

9.2.5. Calculate the Final Dangermond Endowment Funds Deposit. After obtaining CDFW written approval of the Dangermond Preserve Off-Site Mitigation Lands, long-term management plan, and Dangermond Endowment Manager, Permittee shall prepare a final Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to the Lands Manager, to ensure the long-term management of the Dangermond Preserve Off-Site Mitigation Lands (Dangermond Endowment Deposit Amount). Permittee shall submit to CDFW and the Land Manager for review and approval the results of the PAR before transferring funds to the Dangermond Endowment Manager.

9.2.5.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Dangermond Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

9.2.5.2. Dangermond 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 Dangermond Endowment:

9.2.5.2.1. 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.

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

9.2.5.2.3. 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 Dangermond Endowment Manager and CDFW.

9.2.6. Transfer Long-term Dangermond Endowment Funds. Permittee shall transfer the long-term endowment funds to the Dangermond Endowment Manager upon CDFW approval of the Dangermond Endowment Deposit Amount identified above. The approved Dangermond Endowment Manager may pool the Dangermond 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 Dangermond Endowment Manager shall, at all times, hold and manage the Dangermond Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

10. Performance Security

Permittee may proceed with Covered Activities only after 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 total Land Management Security shall be in the amount of $11,012,800.00. This total includes $5,512,800.00 identified in Conditions of Approval 9.1 and 9.2 above and in GTEP and MMLMP and a Land Acquisition Security in the amount of $5,500,000. This amount is based on the fair market value of comparable properties that support Covered Species to secure the on-site mitigation prior to conservation easement(s) recording.

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 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 the Dangermond Endowment Manager of its receipt of the full Dangermond Endowment; and,
- Timely submission of all required reports.

10.7.1. Permittee may request partial release of the Security upon the completion, to CDFW's approval of the following milestones:

10.7.1.1. Following recording of an approved conservation easement(s) for the entirety of the Conserved Gaviota Tarplant Mitigation Lands, the Land Acquisition Security in the amount of $5,500,000 may be eligible for release.

10.7.1.2. Following the transfer of full funding for the Dangermond Endowment for the Dangermond Preserve Off-site Mitigation Lands, based on the final PAR as required by Condition of Approval 9.2.6, security in the amount equivalent to the Final Dangermond Endowment Deposit Amount may be eligible for release.

10.7.1.3. Following the transfer of 50 percent of the Endowment Deposit Amount for the Conserved Gaviota Tarplant Mitigation Lands, based on the final PAR as required by Condition of Approval 9.1.18.3, security in an amount equivalent to 50 percent of the Endowment Deposit Amount may be eligible for release.

10.7.1.4. Following the transfer of each additional 25 percent of the remainder of the Endowment Deposit Amount for the Conserved Gaviota Tarplant Mitigation Lands, based on the final PAR as required by Condition of Approval 9.1.18.3, security in an amount equivalent to that transfer may be eligible for release.

10.8. Even if Security is provided, Permittee must record all required conservation easement(s) for the Conserved Gaviota Tarplant Mitigation Lands, fund at least 50 percent of the final Endowment Deposit Amount, and fully fund the startup, initial costs, and Dangermond Endowment for the Dangermond Off-site mitigation, no later than six months from the effective date of this ITP, and prior to the commencement of wind energy generation. CDFW may require 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 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 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 or fully protected species. Permittee shall stop work or operations 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 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:
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 Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number ([2081-2018-065-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Ed Pert, Regional Manager
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
858 467 4210

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:

Steve Gibson
Senior Environmental Scientist (Supervisory)
Habitat Conservation Planning - North
CA Department of Fish and Wildlife
South Coast Region – Santa Barbara County Area
4665 Lampson Avenue
Los Alamitos, CA 90720
Office: 562-42-2106
Steve.Gibson@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, County of Santa Barbara. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the FEIR referenced in this ITP and certified by the County Board of Supervisors 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 EIR 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 & G. 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, FEIR for the Project site visits, and consultation, 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) Quarterly 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, management, and restoration in

perpetuity of up to 231.4 acres of compensatory habitat (27 acres off-site 204.4 acres on-site and 5,906,784 individuals) 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) 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,

(7) 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:

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
ATTACHMENT 5	Gaviota Tarplant Enhancement Plan
ATTACHMENT 6	Gaviota Tarplant Mitigation, Monitoring and Long-term Management Plan
ATTACHMENT 7	Appendix F – Off-site Management Plan

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 4/13/2020

DocuSigned by:
Chuck Bonham
71F9DD91385341C...
CHARLTON H. BOHNAM
DIRECTOR

ACKNOWLEDGMENT

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

By: DocuSigned by: EEFEDA2A3C2E43C... Date: 4/13/2020

Printed Name: Daniel Duke Title: Vice President - Development