



**California Department of Fish and Wildlife  
Central Region  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710**

California Endangered Species Act  
Incidental Take Permit No. 2081-2018-004-04

**SULLIVAN ROAD SOLAR 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<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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).

<b>Permittee:</b>	<b>Central 40, LLC</b>
<b>Principal Officer:</b>	<b>Cary Vandenberg</b>
<b>Contact Person:</b>	<b>Sam Holing, (925) 998-7510 c/o Solar Frontier sam.holing@solar-frontier.com</b>
<b>Mailing Address:</b>	<b>50 California Street, Suite 820 San Francisco, California 94111</b>

**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 **September 30, 2056**.

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 7.7 of this ITP.

<sup>1</sup>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"].)

<sup>2</sup>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 Sullivan Road Solar Project is located west of Interstate 5, south of Pete Miller Road and north of Sullivan Road, approximately 6 miles west of the community of Gustine in an unincorporated area of Stanislaus County, California (Figure 1).

**Project Description:**

The Project includes the construction, operation and maintenance (O&M), and decommissioning of a 40-megawatt (MW) solar power generating facility on approximately 214 acres of grazing land. The Project is comprised of solar modules, internal access roads, 30-foot wide overhead transmission line, road improvements to Sullivan Road and Pete Miller Road at Project access points, and upgrades to the existing Miller Substation (Figure 2).

Project activities include grubbing and grading for temporary laydown and staging areas, the new permanent substation and switchyard and internal and perimeter access roads; and construction of an O&M building; trenching for underground cables and wires; excavation for transmission pole footings; installation of permanent solar modules, inverters, overhead transmission lines, and fencing; construction of new internal roads and improvements to existing access roads (including new and improved water crossings); revegetation and vegetation management activities in areas temporarily disturbed, including beneath solar arrays and temporary construction areas; O&M (excluding O&M activities at the Miller Substation); and decommissioning activities (excluding the Miller Substation). Construction activities are anticipated to begin in June 2019 and end in September 2020. O&M activities are anticipated to occur from September 2020 to September 2055, with decommissioning activities anticipated to start September 2055 and end September 2056. If the Project is recommissioned, a new ITP or an amendment to this ITP would be required. Project activities include the following:

**Construction Period:**

- Surveying and staking for permanent roads, panels, substation, and O&M building;
- Grubbing and grading for temporary facilities, parking areas, and equipment staging and laydown areas;
- Grubbing and grading for permanent roads, panels, substation, O&M building, and other associated permanent infrastructure;
- Construction of temporary staging areas, all-weather parking areas, and work facilities and office space;
- Construction of 20-foot wide perimeter roads and internal access roads that will be graded and either finished as compacted native soil and/or surfaced with aggregate rock;

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- Improvements to the main access roads and construction of a new access road at Millers Substation;
- Installation of 6-foot tall chain-link fencing and access gates. Perimeter chain-link fencing will be raised 4 to 5 inches from the ground for the entire length of the fencing and knuckled back to create a smooth surface to allow unimpeded movement for San Joaquin kit fox, specifically. Chain-link fencing around the substation and any internal chain-link fencing will be installed similarly or if not, privacy slats will be installed extending from the ground to at least 4 feet above the ground for the entire length of the internal fencing;
- Watering for dust control and soil compaction;
- Construction of the O&M building, including an engineered septic system that will be located a minimum of 250 feet from any wetland or stream;
- Installation of a single 3,000-gallon water tank near the O&M building for use within the O&M building, panel washing, and maintenance purposes;
- Construction of a substation, interconnect yard, skid/inverter pads, and control room pads;
- Installation of approximately 152,928 solar panels with piles pile-driven into the ground;
- Trenching and installation of electrical wires and cables to a maximum depth of 42 inches;
- Installation of overhead transmission and telecommunication lines;
- Construction of the interconnection to the Miller Substation. The transmission line between the collector substation and Miller Substation will be up to 5,000 feet in length comprising of up to ten (10) new tubular steel transmission poles with concrete foundations. Access to the poles will be on an unimproved access route within the 30-foot wide transmission line corridor;
- Installation of telecommunications and meteorological equipment; and
- Revegetation and vegetation management of temporarily disturbed areas (within the solar arrays, temporary laydown areas, etc.) upon completion of construction activities.

Construction activities will occur during daylight hours.

Grading for the solar development will adhere to the pre-existing contours of the terrain as much as possible.

The following equipment will be used during the construction period of the Project: pile drivers; forklifts; excavators; water trucks; bulldozers; and trenchers.

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**O&M Period:**

- Routine inspection (quarterly), testing (annually) and as needed maintenance of mechanical solar parts, buildings, fencing, transmission poles and other infrastructure;
- Replacement of solar parts, including panels and cabling;
- Washing of solar panels up to four times per year using a self-contained machine, resulting in use of up to 32,000 gallons of water per washing;
- Road maintenance including re-grading, re-rocking, and erosion repair;
- Vegetation management, including mowing up to four times per year and/or sheep grazing and potential herbicide use only when necessary to treat invasive species infestations that cannot be controlled through grazing, mowing or hand removal; and
- Annual testing and as needed maintenance and replacement of electrical equipment, including meteorological stations.

O&M activities will occur during daylight hours except for those instances where work must be completed in the absence of power such as for maintenance, calibration and testing of some electrical equipment.

The following equipment will be used during the O&M period of the Project: forklifts and pickup, light duty and diesel trucks.

**Decommissioning Period:**

- Removal and recycling of solar modules;
- Removal and salvaging or recycling of solar components;
- Removal and recycling of underground collection system;
- Removal of access roads, as necessary, and recycling of aggregate rock;
- Disassembling, removal, and reprocessing, selling, salvaging, or otherwise disposing of overhead electrical collection lines, poles, and associated components;
- Removal and repurposing, salvaging, recycling, or otherwise disposing of substation components, transformers, fencing, etc.;
- Removal and recycling of the O&M building, its concrete foundation and other concrete foundations;
- Graveled all-weather roads may be left in place at the landowner's discretion;
- Grading at road locations or areas where concrete foundations were removed; and
- Restoration of topsoil, revegetation and seeding areas that were disturbed by decommissioning activities or where vegetation has not naturally re-established itself

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during the O&M phase to similar or better conditions found prior to the Project such that grazing activities can continue.

The following equipment will be used during the decommissioning period of the Project: forklifts; pickup trucks; excavators; tractors; rubber tire loaders; graders; bobcat skidsteers; scrapers; trenchers; water trucks; and dump trucks.

Decommissioning activities will comply with all applicable laws, regulation, technology, and best practices at the time of decommissioning.

### **Covered Species Subject to Take Authorization Provided by this ITP:**

This ITP covers the following species:

<b>Name</b>	<b>CESA Status</b>
1. California tiger salamander ( <i>Ambystoma californiense</i> ) (CTS)	Threatened <sup>3</sup>
2. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> ) (SJKF)	Threatened <sup>4</sup>
2. Swainson's hawk ( <i>Buteo swainsoni</i> ) (SWHA)	Threatened <sup>5</sup>

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

### **Impacts of the Taking on Covered Species:**

Project activities and their impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above and summarized in Table 1 below expected to result in incidental take of individuals of the Covered Species include the following: increase in vehicle traffic; clearing, grubbing, and grading; construction of temporary equipment and supply laydown and staging areas, permanent O&M building, substation and access roads; trenching for underground electrical and communication cables and wires; excavation for transmission pole footings; backfilling excavated areas and compacting backfill material; leveling; operation of motorized equipment; pile driving or vibrating solar modules; installation of permanent solar modules, fencing, and overhead transmission lines; construction of new access roads (including new water crossings); mortality reduction activities as specified in this ITP; stockpiling and replacement of top soil and seed bank; ground-disturbing cable repair, road maintenance, pile replacement and vegetation management by mowing, sheep grazing, and herbicide use associated with O&M; and removal of infrastructure, grading and contouring, and revegetation associated with decommissioning activities (Covered Activities).

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

<sup>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(A).

**Table 1. Summary of Project Impacts by Duration**

<b>Project Component</b>	<b>Impact Type</b>	<b>Temporary Impacts (acres)</b>	<b>Permanent Impacts (acres)</b>
Solar Arrays	Construction Access / Gravel Staging	155.65	--
	Footings	--	1.60
Auxiliary Facilities	Graveled/paved	--	1.07
Access Roads	Graveled road	--	1.91
Transmission Line Right-of-Way	Construction Access	1.19	--
	Footings	--	0.01
Temporary Access Work Limit	Construction Access	52.39	--
<b>Totals</b>		<b>209.23</b>	<b>4.59</b>

***California Tiger Salamander:***

The extent of the impacts of the taking of CTS is based on the distance from potential breeding ponds, the vegetation cover types within the Project, the presence of upland refugia, the assumption that all potentially suitable upland habitat on the Project would be permanently destroyed or modified, and an evaluation of indirect impacts. The Covered Activities are expected to result in the permanent loss of up to 214 acres of upland refugia habitat for CTS.

Covered Activities may result in incidental take of individuals in the form of mortality ("kill") as a result of habitat loss and modification; Project-related ground and vegetation disturbance; vehicle and equipment strikes during site preparation and hauling of materials and spoils; crushing by heavy equipment and foot traffic; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows; entrapment and burial within trenches and open pipelines; entombment during earthwork; entanglement in fences or in construction staging materials; increased light, noise, and vibration from human and construction activity that could cause individuals to become active at inappropriate times, potentially increasing stress levels and exposure to predation and adverse environmental conditions; temporary displacement; mowing and other vegetation management and revegetation activities. Incidental take of individuals may also occur from the Covered

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Activities in the form of catch, capture or attempt to do so from falling into trenches and during burrow excavation, trapping and relocation of individuals from mortality reduction activities required by this ITP.

Potential indirect impacts to CTS and its habitat include effects of construction, ground disturbing O&M, and decommissioning activities associated with Covered Activities. These indirect effects could include complications from fugitive dust; herbicide application that could affect individuals individually or through their food sources; altered behavior resulting from Covered Activities in occupied areas; and the possibility for disease transmission to CTS from handling and relocation efforts.

Potential long-term indirect impacts to CTS associated with Covered Activities include: continued noise and vibration impacts from the routine operation and maintenance of the Project components; changes in the habitat that make CTS more vulnerable to competition, disease, or predation; introduction or spread of invasive species; increased habitat fragmentation and edge effects; herbicide use; stress through disorientation; loss of foraging opportunities; and panel placement, road-building and other structure construction of CTS upland habitat that may result in altered drainage patterns, changes in soil moisture, vegetation cover (height, density) and type (shift in species), and humidity. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are already at carrying capacity or are unsuitable for colonization.

### ***San Joaquin Kit Fox:***

The extent of the impacts of the taking of SJKF is based on the amount of vegetation cover types that could function as SJKF foraging, denning, and breeding habitat within the Project, the assumption that all potentially suitable habitat on the Project would be permanently destroyed or modified even though the perimeter fencing will be raised to allow continued passage through the Project, and an evaluation of Project indirect impacts. The Covered Activities are expected to result in the permanent loss of 214 acres of potential SJKF habitat but impacts to individuals is expected to be low with one home range expected to be on the Project based on known density numbers but with the anticipation of additional individuals occupying the Project once construction begins.

Covered Activities may result in incidental take of individuals in the form of mortality ("kill") as a result of: vehicle strikes; crushing by heavy equipment; collapse of dens; entombment during earthwork; noise and ground vibration that could cause SJKF to leave dens at inappropriate times, and potentially increasing their stress levels and exposure to predation by mesopredators such as coyotes; entanglement in fences or in construction staging materials. Incidental take of individual SJKF may also occur from the Covered Activities in the form of catch, capture or attempt to do so from falling into trenches, excavated holes, pipes, and during den excavation activities required by this ITP to reduce the potential for direct mortality.

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Potential indirect impacts to SJKF and their habitat include short-term effects of construction activities associated with implementation of Covered Activities. These include: construction-related noise and lighting; ground vibration; fugitive dust; habitat loss and modification; introduction and spread of invasive species; human activity which could result in a reduction in prey abundance; habitat modification or changes in vegetation that could result in a change in prey base (e.g., a decrease in small rodents and an increase in rabbits), and altered behavior resulting from Project disturbance in occupied habitat areas, including physiological and behavioral disruptions that could interfere with denning, foraging, and reproduction.

Potential long-term indirect impacts associated with Covered Activities include foraging habitat loss, fragmentation and degradation, including that caused by the spread or introduction of invasive species, increased light, and increased noise.

***Swainson's Hawk:***

The extent of the impacts of the taking of SWHA is based on the distance from known nest sites, potential nest sites, the vegetation cover types within the Project, the presence of upland refugia for prey, the assumption that all potentially suitable upland habitat on the Project would be permanently destroyed or modified, and an evaluation of indirect impacts. The Covered Activities are expected to result in the permanent loss of up to 214 acres of foraging habitat for SWHA but impacts to individuals is expected to be low with one known nest site located within 0.5 mile of the Project.

Covered Activities may result in incidental take of individuals in the form of mortality ("kill") as a result of: vehicle strikes due to increased Project-related traffic and as a result of the loss of eggs, chicks, or fledglings due to destruction of nests or abandonment of nests during tree removal, tree trimming, or if grubbing, grading and other construction or decommissioning activities occurring in close proximity to a SWHA nest during the nesting season. Incidental take of individuals may also occur from the Covered Activities in the form of pursue, catch, and capture when eggs or individuals are salvaged after parental nest abandonment has occurred. The chance of viability of eggs and/or survival for SWHA in this circumstance is greatly reduced. Direct impacts to foraging habitat could also affect migrating individuals, and the fitness of SWHA young raised in close proximity to the Project due to reduced or disrupted foraging opportunities that reduce the ability of parents to acquire food for their dependent young. In addition, the removal of habitat during nonbreeding season could result in a loss of reproductive productivity in subsequent years.

Potential indirect impacts to SWHA and their habitat include effects of ground-disturbing activities associated with implementation of Covered Activities. These include construction-related noise, ground vibration, fugitive dust, visual disturbance, habitat loss and modification, introduction or spread of invasive species, and increased human activity which could result in a reduction in prey abundance and/or availability. Noise and vibration could cause

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physiological and/or behavioral disruptions that may interfere with breeding, result in nest abandonment, and a loss of fitness in dependent young resulting from interruptions to brooding and/or feeding schedules, due to impaired or interrupted foraging opportunities and because forage acquired further away from the nest is more energetically expensive for parents acquiring food for their dependent young.

Potential long-term indirect impacts associated with Covered Activities include: nesting and foraging habitat fragmentation; nesting and foraging habitat degradation including that caused by the introduction or spread of invasive species; increased light; and increased noise and vibration. O&M of the Project could indirectly affect nesting SWHA through noise and increased human activity. The Project could increase predation potential by providing perching sites for avian predators (e.g., crows and other birds of prey), which can be predators of SWHA eggs and young.

The areas where authorized take of the Covered Species is expected to occur include the entire 214-acre Project that includes the solar facility and all associated infrastructure, access routes, transmission line corridor, improvements to the existing Miller Substation, and temporary construction impact areas (collectively, Project Area).

#### **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 and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (MND) (SCH No.: 2015122003) certified by Stanislaus

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County on April 16, 2019, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Streambed Alteration Agreements (SAA) (Notification No.: 1600-2018-0282-R4, as may be amended) for the Project that will be executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in any Biological Opinion and accompanying Habitat Conservation Plan prepared for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
  - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
  - 6.2. Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) no less than 30 days before starting Covered Activities ITP. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the

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biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with the eviction and excavation of dens being actively used by SJKE, excavation of burrows potentially occupied by CTS, handling of SWHA adults and chicks, enforcing no disturbance buffers and monitoring construction activities under an ITP for the Covered Species. Permittee has the option of utilizing a biological monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to utilize a biological monitor, Permittee shall submit in writing to CDFW the name, qualifications, business address, and contact information of the proposed biological monitor for written pre-approval. Biological monitors may handle Covered Species under the direct supervision of the Designated Biologist only if approved in advance and in writing by CDFW.

- 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. The Designated Biologist shall have the authority to and shall report any non-compliance with this ITP to CDFW.
- 6.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work (including O&M) in the Project Area.
- 6.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site for the duration of the Project (construction through decommissioning and restoration), which shall include a

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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 upon request by CDFW.

- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.8. Erosion Control 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.
- 6.9. Pest Control Methods. Permittee shall prohibit the use of rodenticides within the Project Area. If animal pests need to be controlled, Permittee shall use humane methods such as live trapping. Permittee shall prohibit the use of other pesticides within Covered Species habitat, except where prior written authorization by CDFW is obtained.
- 6.10. Domestic Animals. Permittee shall prohibit all pets within the Project Area. All working dogs (livestock herding) shall be under the control of a handler at all times when within the Project Area. Working dogs shall be immunized against rabies, parvovirus, and distemper and their immunization records submitted to CDFW prior to them entering the Project Area. Herding dogs shall be on-site only when they are controlling sheep from one portion of the Project Area to another and only under the direct supervision of their handlers. Dogs shall not be allowed within the Project Area outside of daylight hours.
- 6.11. Delineation of Property Boundaries. Before starting Covered Activities within the Project Area, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.

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- 6.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.13. Project Access. Project-related personnel shall access the Project Area using existing routes, or new routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour (mph) to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.13.
- 6.15. 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 limit the storage and handling of hazardous materials on the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site. Any hazardous materials stored on-site shall be the minimum necessary for Project implementation and shall be stored and used (e.g., refueling or maintenance) in contained areas that preclude exposure to wildlife.
- 6.16. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.17. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all fill material and construction refuse, including, but not limited to, broken equipment parts,

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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 no more than 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines 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 to CDFW within 24 hours.
- 7.3. Covered Species Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur during construction and decommissioning periods, and vegetation- or ground-disturbing O&M. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP when Covered Activities are occurring. The Designated Biologist shall conduct compliance inspections during the construction and decommissioning periods a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.
- 7.4. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 during the construction, O&M, and decommissioning periods 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 Office and Headquarters CESA Program no later than the

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14<sup>th</sup> day of the month that it is due. The first Quarterly Compliance Report shall be submitted no later than June 14, 2019. At the time of this ITP's approval, the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail 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.

- 7.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than March 30 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in 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; (7) results of any revegetation initiated and monitoring results (first five years); and (8) information about other Project impacts on the Covered Species.
- 7.6. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species or any other special-status species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. 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

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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.

- 7.8. **Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project Area. The Designated Biologist or Designated Representative shall immediately provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide photographs, explanation as to cause of take or injury, and any other pertinent information.
- 7.9. **As-Built Development Plans.** Permittee shall submit as-built development plans to CDFW within forty-five (45) days of completing all construction activities. The as-built plan sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include delineation of the permanent and temporary disturbance during construction by highlighting the disturbance areas on the as-built plan sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from survey data acquired after Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted to CDFW in Portable Document Format (PDF) or a similar electronic format.

## **8. Take Minimization Measures:**

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

### ***General Construction, O&M, and Decommissioning***

- 8.1. **Night Work.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) planned and unplanned maintenance activities, repair and replacement, wiring, and testing that must occur after dark to ensure PV arrays are not energized; (2) interior use of the O&M facility; (3) unanticipated emergencies (in

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accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine maintenance or repair requiring immediate attention; or (4) security patrols. Permittee shall ensure: (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with extra caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and (3) that CDFW is notified as soon as possible and no later than 24 hours after commencement of any emergency nighttime O&M activities, except those occurring inside the O&M facility. Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.

- 8.2. Equipment Fueling. Permittee shall ensure that mobile equipment fueling and maintenance occur at least 100 feet from Covered Species dens or burrows and at least 0.5-mile from an active SWHA nest, unless these actions are occurring within the O&M building. Permittee shall locate permanent and temporary equipment fueling and maintenance areas at a distance of at least 100 feet from SJKF dens and burrows and 1,000 feet from active SWHA nests, and shall include permanent containment devices that will preclude fuel or other liquids from exiting the equipment fueling or maintenance area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling and maintenance locations.
- 8.3. Lighting. Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on Covered Species habitat beyond the footprint of permanent or temporary Project facilities between sunset and sunrise. Permittee shall not use motion-triggered lighting (including visible spectrum and infrared) in solar panel arrays or elsewhere on the Project Area except within or at the perimeter of permanent and temporary buildings or covered assembly areas. Exterior, fixed lighting at all Project facilities shall be turned on only when people are present unless required by federal, state, or local law.
- 8.4. Geotechnical Investigations. Permittee shall reuse, disperse on-site, or remove from the Project Area the soil cuttings from geotechnical investigations. Permittee shall discharge drilling fluids in accordance with the Construction General Permit (Order No. 2009-0009-DWQ as modified by Order No. 2010-0014-DWQ, NPDES No. CAS000002, adopted September 2, 2009, effective July 1, 2010) and the Section 401 Water Quality Certification.

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- 8.5. Daily Entrapment Inspections. The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within each Work Area at the beginning, middle, and end of each day for trapped Covered Species. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between two- and eight feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Escape ramps shall be at least 12 inches wide and erected every 15 feet. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than eight feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. To prevent inadvertent entrapment of Covered Species or any other animals, the Designated Biologist(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that Covered Species are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each day (including weekends and other non-work days), the Designated Biologist shall inspect the covers to ensure edges have not been lifted, dug under or otherwise compromised. If the Designated Biologist identified or suspects a breach in the cover, the Designated Biologist shall immediately uncover the excavation to ensure no Covered Species is trapped. The Designated Biologist shall inspect all covered and uncovered trenches, holes, sumps and other excavations for trapped Covered Species immediately before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow SJKF the opportunity to escape unimpeded before Covered Activities are allowed to continue. If SJKF does not or cannot extricate itself within a reasonable amount of time, the Designated Biologist shall assist with its extrication before Covered Activities are allowed to continue. If the Covered Species is CTS, the Designated Biologist(s) shall capture and relocate the animal as per the CTS Salvage and Relocation Plan described in Condition of Approval 8.12.
- 8.6. Materials Inspection. Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (three inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or

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capped. If during inspection one of these animals is discovered inside the structure, workers shall notify the Designated Biologist(s) and allow the Covered Species to safely escape that section of the structure before moving and utilizing the structure.

- 8.7. Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Permittee shall contact the Designated Biologist(s) to determine if the Designated Biologist(s) can safely move the Covered Species out of harm's way in compliance with this ITP.
- 8.8. Covered Species Observations. During Project implementation, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. Permittee shall cease all work near the Covered Species until it moves from the Project Area of its own accord.
- 8.9. Perimeter Fence Design. Permittee shall ensure that perimeter fencing is installed around the solar panel arrays so it does not impede SJKF movement. The Designated Biologist(s) shall accompany the fencing crew to ensure that SJKF are not killed or injured during installation. Perimeter fencing shall consist of wire fencing designed to exclude deer, with openings graduated from 3 to 7 inches square and will be installed inverted, with the larger openings at the bottom to allow SJKF to pass through. Chain-link fencing may also be used if it is installed with a 4- to 5-inch gap from the bottom of the fencing material to the ground surface for the entire length of the fence. The bottom of the fencing material shall be knuckled back to form a smooth edge. Alternate designs may be constructed with prior written approval from CDFW. If chain-link fencing is used within the solar array perimeter fencing (i.e., around substations, O&M buildings, etc.), it shall be installed with the same bottom gap as described above or it shall be outfitted with privacy slats extending from ground level to at least 4 feet above ground level for the entire length of the internal fencing or substation to avoid entanglement of SJKF that could lead to injury or death.
- 8.10. Covered Species Injury or Mortality. If a Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. The Permittee shall identify the facility before starting Covered Activities. The Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. If a Covered Species is found deceased, the Designated Biologist shall immediately document the discovery with the date and location of

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discovery, name of the individual who discovered it, details of the condition of the carcass, and photographs. The Designated Biologist shall then immediately recover the carcass and place it on ice then contact CDFW to determine if the carcass should be shipped to the CDFW wildlife laboratory for necropsy. Permittee shall bear all costs associated with the shipment to the laboratory and any laboratory work deemed necessary. The Permittee shall notify CDFW of the injury to/mortality of the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 7.8. Notification shall include the name of the facility where the animal was taken.

8.11. Habitat Restoration. The Permittee shall restore 209 acres, which includes temporary storage and laydown areas and lands beneath the solar panels, of Covered Species habitat that will be temporarily disturbed during construction to improve existing conditions for the benefit of the Covered Species. Within six months of issuance of this ITP, the Permittee shall prepare a Vegetation Management, Habitat Restoration, and Revegetation Plan (Revegetation Plan) to facilitate revegetation of the 209 acres of temporary construction disturbance within the Project Area and shall ensure the Revegetation Plan is successfully implemented by the contractor. Permittee shall submit the Revegetation Plan to CDFW for review and written approval prior to the start of Covered Activities. Permittee shall restore the ground and vegetation to a condition conducive to Covered Species recolonization. Permittee shall ensure the Plan includes the following requirements, at a minimum:

- 8.11.1. Identification of the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet;
- 8.11.2. Description of how the native topsoil from the Project Area and/or seed will be applied over the area to establish suitable vegetation for Covered Species;
- 8.11.3. A grazing plan, including residual dry matter sampling techniques and frequency;
- 8.11.4. Fire control actions;
- 8.11.5. Invasive plant species removal methods;
- 8.11.6. Seed mix and shrub species to be used and planting method;
- 8.11.7. Restoration actions and supplemental watering regime;

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- 8.11.8. Success criteria for revegetation efforts;
- 8.11.9. Five-year monitoring plan; and
- 8.11.10. Contingency plan if criteria are not met to ensure upland habitat suitability for Covered Species.

If the temporarily impacted lands have not returned to surrounding Covered Species habitat five years after completion of the Project, additional mitigation and an amendment to this ITP may be required.

### ***Construction and Decommissioning Activities***

#### **CTS**

- 8.12. CTS Salvage and Relocation Plan. The Designated Biologist(s) shall prepare a CTS Salvage and Relocation Plan. The CTS Salvage and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents potential breeding and upland habitat (those areas within 1.3 miles of known or potential breeding habitat for the Covered Species); an identification of the survey, hand excavation, capture, handling, and relocation methods; identification of relocation area(s); and identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats amphibians. The CTS Salvage and Relocation Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities within the Project Area may not proceed until the CTS Relocation Plan is approved in writing by CDFW. Only CDFW-approved Designated Biologist(s) are authorized to capture and handle CTS.
- 8.13. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for CTS no more than 14 days prior to conducting Covered Activities in each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 50-foot buffer for detection of CTS and burrows. Any CTS found within the Work Area or 50-foot buffer zone(s) shall be relocated from the Work Area or buffer zone(s) by the Designated Biologist in accordance with the CDFW-approved CTS Salvage and Relocation Plan prepared in accordance with Condition of Approval 8.12. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The

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Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for CTS burrows within each Work Area and 50-foot buffer as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.

- 8.14. Flag Burrows. The Designated Biologist(s) shall flag all small mammal burrows within the Work Area(s) and a 50-foot buffer zone(s) (see Condition of Approval 8.13) to alert biological and work crews to their presence. Where feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained regardless if the burrow is in the Work Area or solely within the Work Area's 50-foot buffer zone.
- 8.15. Small Mammal Burrow Excavation. In each Work Area to be disturbed, all small mammal burrows flagged per Condition of Approval 8.14 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand. This excavation requirement applies regardless if the burrow is located within the Work Area or the Work Area's 50-foot buffer zone as long as it is located within the Project Area. The Designated Biologist(s) shall excavate and relocate any live CTS discovered during burrow excavation in accordance with the CTS Salvage and Relocation Plan required in Condition of Approval 8.12. Excavation shall occur no more than 14 days after the completion of the CTS pre-construction surveys as described in Condition of Approval 8.13.
- 8.16. CTS Exclusion Fencing. If Permittee initiates or extends Covered Activities into the CTS breeding season (December through May), the Permittee shall install CTS exclusion fencing around each Work Area to prevent CTS from migrating into Work Areas. Permittee shall have the fencing material and design reviewed and approved in writing by CDFW before installation. The exclusion fence shall be installed after all small mammal burrows inside the Work Areas that cannot be avoided are excavated by the Designated Biologist(s) in accordance with Condition of Approval 8.15 to prevent entrapment of CTS within the Work Areas. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 8.15 prior to commencing fence installation. Alternatively, Permittee may elect to forego exclusion fence installation. At any time, if exclusion fence is not erected at a Work Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.20.

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- 8.17. CTS Exclusion Fencing Installation. The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that CTS are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area being fenced. Permittee shall check the exclusion fence daily when on-site and at least once weekly during periods of inactivity to monitor for CTS that may need relocating according to the CTS Salvage and Relocation Plan pursuant to Condition of Approval 8.12 and maintain/repair the fence as necessary to ensure its effectiveness. Permittee shall install temporary exclusion fencing in a sequential manner that corresponds to the progression of Covered Activities within Work Areas. For example, temporary fencing is not required to be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area.
- 8.18. CTS In Work Area. If CTS is found by any person in the Work Area before or during Covered Activities, all work that could potentially harm the CTS shall stop immediately until the Designated Biologist(s) can relocate the CTS following the CTS Salvage and Relocation Plan specified in Condition of Approval 8.12. The relocation area(s) shall be identified in the CTS Salvage and Relocation Plan by the Designated Biologist(s) prior to the start of Covered Activities and are subject to CDFW approval.
- 8.19. CTS Record of Handling. All CTS captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the CTS; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. This information shall also be included in the Monthly Compliance Reports and Final Mitigation Report.
- 8.20. Rain Forecast. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The Designated Biologist(s) shall re survey each Work Area before Covered Activities resume to capture and relocate any CTS that are discovered during

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the surveys. Work Areas where exclusion fencing has been installed in accordance with Conditions of Approval 8.16 and 8.17 may continue Covered Activities during rainfall events.

- 8.21. Fieldwork Code of Practice. To ensure that disease is not conveyed between Work Areas the Designated Biologist(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (Attachment 2). The Designated Biologist(s) may substitute a bleach solution (0.5 to one cup of bleach to one gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before reusing the equipment in the next Work Area.

## **SJKF**

- 8.22. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for SJKF no more than 14 days prior to conducting Covered Activities for each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 500-foot buffer for detection of SJKF dens and burrows. All potential, known and natal SJKF dens detected shall be flagged and mapped. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SJKF dens within each Work Area and 500-foot buffer during the SJKF pupping season (December 1 through August 31) or 50-foot buffer outside of the pupping season (September 1 through November 30) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.
- 8.23. SJKF Den Avoidance. If a potential SJKF den (any subterranean hole, four (4) inches or larger, for which available evidence is insufficient to conclude that it is being used or has been used by a SJKF) is discovered, a minimum 50-foot buffer around the potential den shall be established using flagging. If a known SJKF den or a SJKF is found in an "atypical" den such as a pipe or culvert is discovered, Permittee shall establish a minimum buffer of at least 100 feet around the den using flagging. If a natal den (den in which SJKF young are or have been reared) is discovered, a buffer of at least 200 feet around the den

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using flagging shall be established. For any natal dens with pups, the den shall be protected with a buffer of at least 500 feet delineated using flagging. Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 8.24. The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative within twenty-four (24) hours via telephone or e-mail if any SJKF active dens, natal dens (occupied or unoccupied), or occupied atypical dens are discovered within or within 500 feet of the Project Area.

- 8.24. SJKF Den Excavation. For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 8.23, and if, after five (5) consecutive days of monitoring with tracking medium and infrared camera, the Designated Biologist(s) has determined that SJKF is not currently present, the Designated Biologist(s) may excavate or temporarily block the den(s) outside the SJKF breeding season (December 1 through August 31). Temporary blocking of the den openings shall occur when the den will not be immediately and directly impacted by Covered Activities resulting in permanent impacts. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated (destroyed) by or under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated during the breeding season and only after the Designated Biologist(s) has verified the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. Dens to be blocked (e.g., not within a permanent impact area) shall be blocked with sandbags or other CDFW-pre-approved material that ensures that SJKF cannot reenter or use the den during Covered Activities, but that can be easily removed at the cessation of Covered Activities in a given Work Area. Outside of the breeding season, if an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall contact USFWS and CDFW and receive written guidance (e-mail will suffice) from both agencies prior to proceeding with den excavation.

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- 8.25. SJKF Den Replacement Plan. Within ten (10) days of fully excavating a den, filling it with dirt, and compacting it (see Condition of Approval 8.24), Permittee shall replace each destroyed (excavated) known, active, and natal den with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. A minimum of 30 days prior to commencement of Covered Activities, the Designated Biologist(s) shall prepare a SJKF Den Replacement Plan. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of the locations of each known, active, and natal den; a discussion and map of potential locations for artificial den replacements; an identification of the hand excavation methods; and identification of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). The SJKF Den Replacement Plan shall be submitted to CDFW for approval prior to the excavation of any SJKF dens within the Project Area and ***den excavation may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW.***
- 8.26. Unblocking Temporarily Blocked SJKF Dens. SJKF dens blocked as per Condition of Approval 8.24 shall be unblocked (material at entrance removed) within 48 hours of the cessation of active Covered Activities and when the Designated Biologist(s) determines that potential resumed use will not result in harm to SJKF.
- 8.27. SJKF Record of Passive Relocation. The Designated Biologist shall document the following information upon all SJKF observations, passive relocation, excavation or protect in place (temporary den entrance blockage) activities: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the SJKF; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. The Designated Biologist shall also include this information in the Quarterly Compliance (Condition of Approval 7.4) and ASR (Condition of Approval 7.5).

## SWHA

- 8.28. Pre-Activity Surveys. The Designated Biologist(s) shall conduct surveys for SWHA during the nesting season (February 1 through September 15) no more than 14 days before starting Covered Activities within the Project Area and within 0.5 miles of the Project Area. The Designated Biologist shall conduct additional surveys at each Work Area and within 0.5 mile of each Work Area before starting Covered Activities during the breeding season each year

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Covered Activities are occurring in any Work Area. The Designated Biologist shall provide survey results to CDFW in a written report no fewer than five (5) days prior to beginning or resuming Covered Activities during the nesting season. If 14 or more days elapse before any Covered Activities begin or if Covered Activities cease for 14 or more days in a Work Area, the Designated Biologist shall complete an additional survey and submit survey results to CDFW no fewer than five (5) days prior to the start of those Covered Activities. The Designated Biologist or Designated Representative shall notify CDFW within 24 hours of the location of each new nest detected at and within 0.5 mile of the Project Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SWHA nests within the Work Area and 0.5-mile buffer during the SWHA breeding season (February 1 through September 15) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24 hours after commencement of Covered Activities during forced outage or emergency activities.

- 8.29. SWHA Nest Identification and Mapping. As the Designated Biologist identifies active SWHA nests at and within 0.5 mile of the Project Area, the Designated Biologist shall: 1) map the nests and make them known to all employees and contractors with access to the Project Area, 2) flag or otherwise identify the nests and buffers in the field until the young have fledged and are independent of the adults or the Designated Biologist has determined the adults are no longer nesting, and 3) provide initial mapping of the nests to CDFW (i.e., by e-mail) no more than one week prior to initiating Covered Activities and within 24 hours of each new nest detection following the start of Covered Activities.
- 8.30. SWHA Nest Buffers. The Permittee and the Designated Biologist shall ensure that no Covered Activities occur within 500 feet of an active SWHA nest during the nesting season (February 1 through September 15). The 500-foot no-disturbance buffer shall not be reduced or otherwise modified without first consulting with and receiving written approval from CDFW. An e-mail will suffice for CDFW written approval. Worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking is prohibited within 1,000 feet of any active SWHA nest.
- 8.31. SWHA Nest Monitoring. If a nesting SWHA is found in the Project Area or the 0.5-mile Project Area buffer, the Designated Biologist(s) shall be present for the entire duration of any Covered Activities within the Project Area that is within

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the 0.5-mile buffer, to monitor the behavior of the potentially affected SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if any bird(s) exhibit distress and/or abnormal nesting behavior (i.e., swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) that may cause reproductive failure (i.e., nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.

- 8.32. SWHA Injury. If a SWHA is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility and shall bear any costs associated with the care or treatment of such injured SWHA. The Permittee shall notify CDFW of the injury to the SWHA immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 8.10. Notification shall include the name of the facility where the animal was taken.
- 8.33. SWHA Nest Abandonment. The Designated Biologist shall prepare a Nest Abandonment Contingency Plan (Plan) and submit it to CDFW for written approval no more than seven (7) business days after execution of this ITP. The Plan shall include, but not be limited to, identification of capture methods, handling methods, methods to return SWHA individuals back into the wild, and the identification of a wildlife rehabilitation center or veterinary facility. Only the Designated Biologist shall handle and relocate eggs, hatchlings, or injured SWHA. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report within five (5) days. Each notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken. These incidents shall also be included in the reports required by Conditions of Approval 7.4, 7.5, and 7.7 of this ITP.
- 8.34. Artificial Lighting at Night. Permittee shall not use permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting that casts light on SWHA habitat beyond the Project Area between sunset and sunrise. Nighttime construction lighting shall be shielded and oriented downward to minimize effects on any nearby receptors.

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## **O&M Activities**

### **CTS**

- 8.35. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for CTS no more than 14 days prior to conducting ground disturbing O&M Covered Activities in each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 50-foot buffer for detection of CTS and burrows. Any CTS found within the Work Area or 50-foot buffer zone(s) shall be relocated from the Work Area or buffer zone(s) by the Designated Biologist in accordance with the CDFW-approved CTS Salvage and Relocation Plan prepared in accordance with Condition of Approval 8.12. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for CTS burrows within each Work Area and 50-foot buffer as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.
- 8.36. Flag Burrows. The Designated Biologist(s) shall flag all small mammal burrows within the Work Area(s) and a 50-foot buffer zone(s) (see Condition of Approval 8.35) to alert biological and work crews to their presence. Where feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained regardless if the burrow is in the Work Area or solely within the Work Area's 50-foot buffer zone.
- 8.37. Small Mammal Burrow Excavation. In each Work Area where ground disturbing O&M activities are to occur, all small mammal burrows flagged per Condition of Approval 8.36 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand by the Designated Biologist. This excavation requirement applies regardless if the burrow is located within the Work Area or the Work Area's 50-foot buffer zone as long as it is located within the Project Area. The Designated Biologist(s) shall excavate and relocate any live CTS discovered during burrow excavation in accordance with the CTS Salvage and Relocation Plan required in Condition of Approval 8.12. Excavation shall occur no more than 14 days after the completion of the CTS pre-construction surveys as described in Condition of Approval 8.35.

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- 8.38. CTS Exclusion Fencing. If Permittee initiates or extends ground disturbing O&M Covered Activities into the CTS breeding season (December through May), the Permittee shall install CTS exclusion fencing around each Work Area to prevent CTS from migrating into Work Areas. Permittee shall have the fencing material and design reviewed and approved in writing by CDFW before installation. The exclusion fence shall be installed after all small mammal burrows inside the Work Areas that cannot be avoided are excavated by the Designated Biologist(s) in accordance with Condition of Approval 8.37 to prevent entrapment of CTS within the Work Areas. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 8.37 prior to commencing fence installation. Alternatively, Permittee may elect to forego exclusion fence installation. At any time, if exclusion fence is not erected at a Work Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.42.
- 8.39. CTS Exclusion Fencing Installation. The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that CTS are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area being fenced. Permittee shall check the exclusion fence daily when on-site and at least once weekly during periods of inactivity to monitor for CTS that may need relocating according to the CTS Salvage and Relocation Plan pursuant to Condition of Approval 8.12 and maintain/repair the fence as necessary to ensure its effectiveness. Permittee shall install temporary exclusion fencing in a sequential manner that corresponds to the progression of Covered Activities within Work Areas. For example, temporary fencing is not required to be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area.
- 8.40. CTS In Work Area. If CTS is found by any person in the Work Area before or during Covered Activities, all work that could potentially harm the CTS shall stop immediately until the Designated Biologist(s) can relocate the CTS following the CTS Salvage and Relocation Plan specified in Condition of Approval 8.12. The relocation area(s) shall be identified in the CTS Salvage and Relocation Plan by the Designated Biologist(s) prior to the start of Covered Activities and are subject to CDFW approval.
- 8.41. CTS Record of Handling. All CTS captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information:

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the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the CTS; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. This information shall also be included in the Monthly Compliance Reports and Final Mitigation Report.

- 8.42. Rain Forecast. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The Designated Biologist(s) shall re survey each Work Area before Covered Activities resume to capture and relocate any CTS that are discovered during the surveys. Work Areas where exclusion fencing has been installed in accordance with Conditions of Approval 8.38 and 8.39 may continue Covered Activities during rainfall events.
- 8.43. Fieldwork Code of Practice. To ensure that disease is not conveyed between Work Areas the Designated Biologist(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (Attachment 2). The Designated Biologist(s) may substitute a bleach solution (0.5 to one cup of bleach to one gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before reusing the equipment in the next Work Area.

## **SJKF**

- 8.44. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for SJKF no more than 14 days prior to conducting ground disturbing O&M Covered Activities for each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 500-foot buffer for detection of SJKF dens and burrows. All potential, known and natal SJKF dens detected shall be flagged and mapped. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention.

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The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SJKF dens within each Work Area and 500-foot buffer during the SJKF pupping season (December 1 through August 31) or 50-foot buffer outside of the pupping season (September 1 through November 30) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.

- 8.45. SJKF Den Avoidance. If a potential SJKF den (any subterranean hole, four (4) inches or larger, for which available evidence is insufficient to conclude that it is being used or has been used by a SJKF) is discovered, a minimum 50-foot buffer around the potential den shall be established using flagging. If a known SJKF den or a SJKF is found in an "atypical" den such as a pipe or culvert is discovered, Permittee shall establish a minimum buffer of at least 100 feet around the den using flagging. If a natal den (den in which SJKF young are or have been reared) is discovered, a buffer of at least 200 feet around the den using flagging shall be established. For any natal dens with pups, the den shall be protected with a buffer of at least 500 feet delineated using flagging. Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 8.44. The Permittee shall notify the USFWS and CDFW's Regional Representative within twenty-four (24) hours via telephone or e-mail if any SJKF active dens, natal dens (occupied or unoccupied), or occupied atypical dens are discovered within or within 500 feet of the Project Area.
- 8.46. SJKF Den Excavation. For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 8.45, and if, after five (5) consecutive days of monitoring with tracking medium and infrared camera, the Designated Biologist(s) has determined that SJKF is not currently present, the Designated Biologist(s) may excavate or temporarily block the den(s) outside the SJKF breeding season (December 1 through August 31). Temporary blocking of the den openings shall occur when the den will not be immediately and directly impacted by Covered Activities resulting in permanent impacts. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated (destroyed) by or under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated during the breeding season and only after the Designated Biologist(s) has verified the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals

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evidence of current use by SJKF then den excavation shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. Dens to be blocked (e.g., not within a permanent impact area) shall be blocked with sandbags or other CDFW-pre-approved material that ensures that SJKF cannot reenter or use the den during Covered Activities, but that can be easily removed at the cessation of Covered Activities in a given Work Area. Outside of the breeding season, if an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall contact USFWS and CDFW and receive written guidance (e-mail will suffice) from both agencies prior to proceeding with den excavation.

- 8.47. SJKF Den Replacement Plan. Within ten (10) days of fully excavating a den, filling it with dirt, and compacting it (see Condition of Approval 8.46), Permittee shall replace each destroyed (excavated) known, active, and natal den with an artificial den in accordance with the CDFW-approved Den Replacement Plan (see Condition of Approval 8.25) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators.
- 8.48. Unblocking Temporarily Blocked SJKF Dens. SJKF dens blocked as per Condition of Approval 8.46 shall be unblocked (material at entrance removed) within 48 hours of the cessation of active Covered Activities and when the Designated Biologist(s) determines that potential resumed use will not result in harm to SJKF.
- 8.49. SJKF Record of Passive Relocation. The Designated Biologist shall document the following information upon all SJKF observations, passive relocation, excavation or protect in place (temporary den entrance blockage) activities: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the SJKF; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. The Designated Biologist shall also include this information in the Quarterly Compliance (Condition of Approval 7.4) and ASR (Condition of Approval 7.5).

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**SWHA**

- 8.50. Pre-Activity Surveys. The Designated Biologist(s) shall conduct surveys for SWHA during the nesting season (February 1 through September 15) no more than 14 days before starting ground disturbing O&M Covered Activities within the Project Area and within 0.5 miles of the Project Area. The Designated Biologist shall conduct additional surveys at each Work Area and within 0.5 mile of each Work Area before starting ground disturbing O&M Covered Activities during the breeding season each year ground disturbing O&M Covered Activities are occurring in any Work Area. The Designated Biologist shall provide survey results to CDFW in a written report no fewer than five (5) days prior to beginning or resuming Covered Activities during the nesting season. If 14 or more days elapse before any Covered Activities begin or if Covered Activities cease for 14 or more days in a Work Area, the Designated Biologist shall complete an additional survey and submit survey results to CDFW no fewer than five (5) days prior to the start of those Covered Activities. The Designated Biologist or Designated Representative shall notify CDFW within 24 hours of the location of each new nest detected at and within 0.5 mile of the Project Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SWHA nests within the Work Area and 0.5-mile buffer during the SWHA breeding season (February 1 through September 15) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24 hours after commencement of Covered Activities during forced outage or emergency activities.
- 8.51. SWHA Nest Identification and Mapping. As the Designated Biologist identifies active SWHA nests at and within 0.5 mile of the Project Area, the Designated Biologist shall: 1) map the nests and make them known to all employees and contractors with access to the Project Area, 2) flag or otherwise identify the nests and buffers in the field until the young have fledged and are independent of the adults or the Designated Biologist has determined the adults are no longer nesting, and 3) provide initial mapping of the nests to CDFW (i.e., by e-mail) no more than one week prior to initiating Covered Activities and within 24 hours of each new nest detection following the start of Covered Activities.
- 8.52. SWHA Nest Buffers. The Permittee and the Designated Biologist shall ensure that no ground disturbing Covered Activities occur within 500 feet of an active SWHA nest during the nesting season (February 1 through September 15). The 500-foot no-disturbance buffer shall not be reduced or otherwise modified

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without first consulting with and receiving written approval from CDFW. An e-mail will suffice for CDFW written approval. Worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking is prohibited within 1,000 feet of any active SWHA nest.

- 8.53. SWHA Nest Monitoring. If a nesting SWHA is found in the Project Area or the 0.5-mile Project Area buffer, the Designated Biologist(s) shall be present for the entire duration of any ground disturbing O&M Covered Activities within the Project Area that is within the 0.5-mile buffer, to monitor the behavior of the potentially affected SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if any bird(s) exhibit distress and/or abnormal nesting behavior (i.e., swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) that may cause reproductive failure (i.e., nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.
- 8.54. SWHA Injury. If a SWHA is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility and shall bear any costs associated with the care or treatment of such injured SWHA. The Permittee shall notify CDFW of the injury to the SWHA immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 8.10. Notification shall include the name of the facility where the animal was taken.
- 8.55. SWHA Nest Abandonment. Only the Designated Biologist shall handle and relocate eggs, hatchlings, or injured SWHA per Condition of Approval 8.33. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report within five (5) days. Each notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken. These incidents shall also be included in the reports required by Conditions of Approval 7.4, 7.5, and 7.7 of this ITP.
- 8.56. Artificial Lighting at Night. Permittee shall not use permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting that casts light on SWHA habitat beyond the Project Area between sunset and sunrise. Nighttime O&M lighting shall be shielded and oriented downward to minimize effects on any nearby receptors.

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- 9. Habitat Management Land Acquisition and Project Area Restoration:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat in the Project Area, and CDFW's estimate of the acreage required to provide for adequate compensation based on the greater quality and functional value and the known occupation by Covered Species on the proposed compensatory habitat.

To meet this requirement, the Permittee shall either purchase 100 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below OR provide for both the permanent protection and management of 100 acres of Habitat Management (HM) lands that have the ability to facilitate SJKE movement between north and south core populations. The mitigation sites proposed by the Permittee to be used as HM lands for the Project are depicted in Figure 3. CDFW has conceptually agreed to the appropriateness of the 100 acres of HM lands as they appear to be comprised of high-quality grassland habitat and are known occupied breeding, refugia, foraging, denning, and nesting habitat for the Covered Species. Prior to CDFW final approval of the 100 acres of proposed HM lands, CDFW shall conduct a site visit and review and approve in writing the information submitted pursuant to Condition of Approval 9.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. After construction is completed, Permittee shall also restore on-site 209 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.11 above for the benefit of Covered Species.

- 9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:
- 9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.2 below, estimated at \$5,000.00/acre for 100 acres: **\$500,000.00.** Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation

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requirements and include applicable real estate brokerage and escrow fees;

- 9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at **\$88,341.37**;
- 9.1.3. Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at **\$167,008.16**;
- 9.1.4. Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$14,840.40/acre for 100 acres: **\$1,484,040.03**. Long-term management funding is estimated initially for providing Security to ensure implementation of HM lands management.
- 9.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.4, estimated at **\$12,000.00**.
- 9.1.6. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.11, calculated at \$5,000.00/acre for up to 209 acres: **\$1,045,000.00**.
- 9.2. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:
  - 9.2.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does

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not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 9.2.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 9.2.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 9.2.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified;
- 9.2.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates>); (2) conducting a baseline biological assessment and land survey

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report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

9.2.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and biological surveys. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

9.3. Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 9.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

9.3.1. 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).

9.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

9.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager

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for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

9.3.2.2. 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:

9.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

9.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

9.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

9.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review, related title transactions,

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

## **10. Performance Security**

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 10.1. Security Amount. The Security shall be in the amount of **\$3,296,389.56**. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.
- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) 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 45 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 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
  - 10.7.1. Written documentation of the acquisition of the HM lands;
  - 10.7.2. Copies of all executed and recorded conservation easements;

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- 10.7.3. Written confirmation from the approved Endowment Manager of its receipt of the full Endowment;
- 10.7.4. Timely submission of all required reports; and
- 10.7.5. Written documentation that all requirements of the post-construction Revegetation Plan have been met.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

#### **Amendment:**

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

#### **Stop-Work Order:**

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

#### **Compliance with Other Laws:**

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

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**Notices:**

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-004-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4005  
Fax (559) 243-4022

and a copy to:

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

And an electronic copy to:

R4CESA@wildlife.ca.gov and  
CESA@wildlife.ca.gov

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

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Carrie Swanberg, Senior Environmental Scientist (Specialist)  
 California Department of Fish and Wildlife  
 1234 East Shaw Avenue  
 Fresno, California 93710  
 Telephone (559) 243-8149  
 Fax (559) 243-4020

### **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, Stanislaus County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Sullivan Road Solar Project Mitigated Negative Declaration (MND) (SCH No.: 2015122003) dated March 7, 2019, that Stanislaus County approved for the Sullivan Road Solar Project on April 16, A2019. At the time the lead agency approved the MND 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 MND 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, the Sullivan Road Solar Project MND, the results of a site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

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- (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 Conditions of Approval 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. The Project Area will remain pervious to Covered Species. Vegetative cover will be retained, allowed to reestablish, or be re-vegetated and appropriately managed after construction is completed allowing Covered Species continued use of the Project Area during O&M. SJKF and CTS have not been detected in the Project Area. No potential SJKF dens were found within the Project Area during survey efforts conducted to support the MND; however, the entire Project Area is considered habitat for both SJKF and CTS. SWHA were found nesting within 0.5 miles of the Project Area during recent survey efforts and the entire Project Area is considered SWHA foraging habitat. Compensatory habitat was proposed based on the above. Based on this evaluation, CDFW determined that the purchase of 100 Covered Species credits from a CDFW approved mitigation bank or the protection and management in perpetuity of 100 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, containing at least one SWHA nest site, confirmed CTS breeding habitat, occupied by SJKF and contributing to regional habitat movement connectivity for the Covered Species, 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

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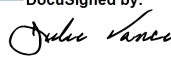
this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

#### Attachments:

FIGURE 1	Project Location Map
FIGURE 2	Solar Facility Map
FIGURE 3	Proposed Mitigation Lands
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice
ATTACHMENT 3A; 3B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

#### ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 4/17/2020

DocuSigned by:  
  
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Julie A. Vance, Regional Manager  
 Central Region

#### ACKNOWLEDGMENT

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

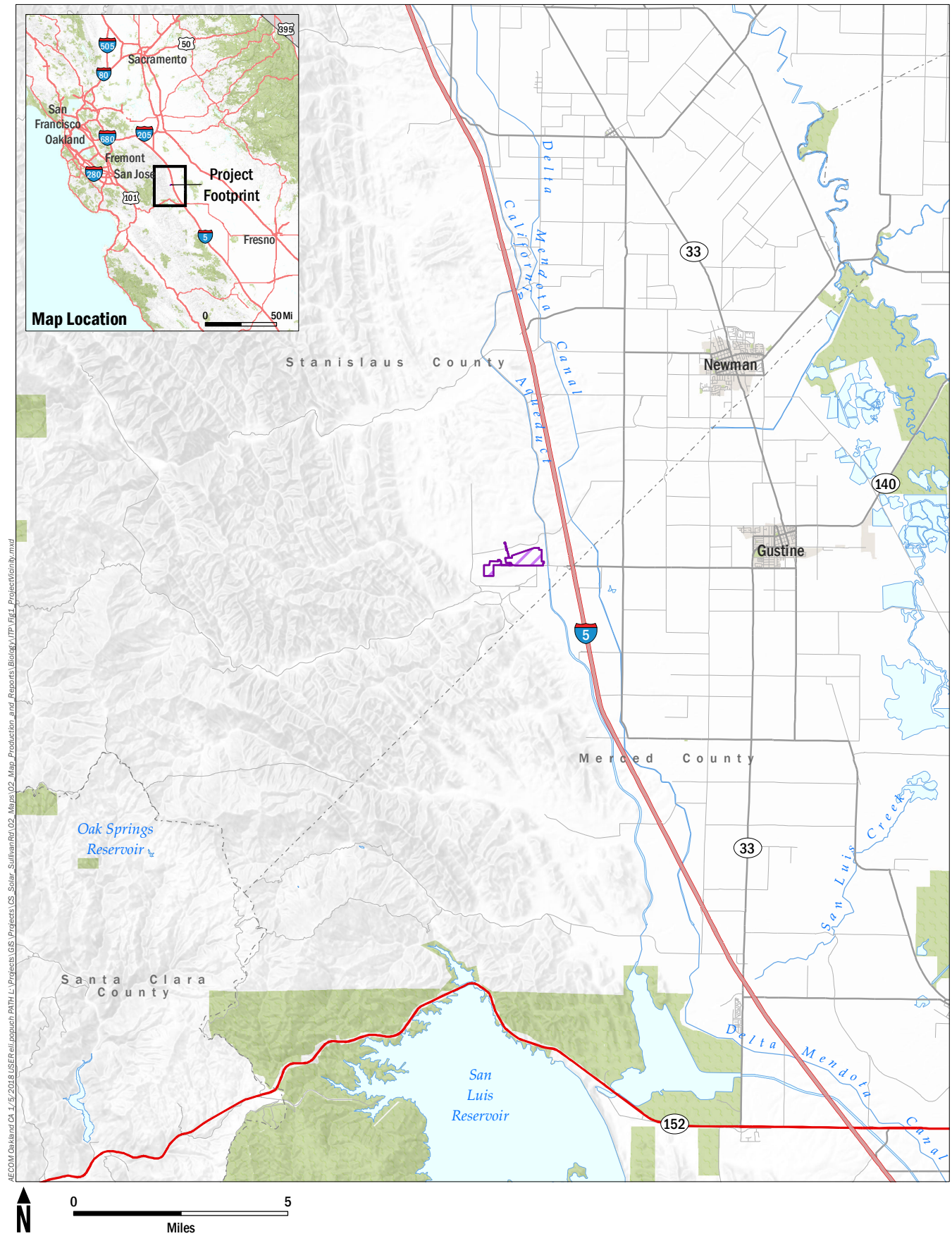
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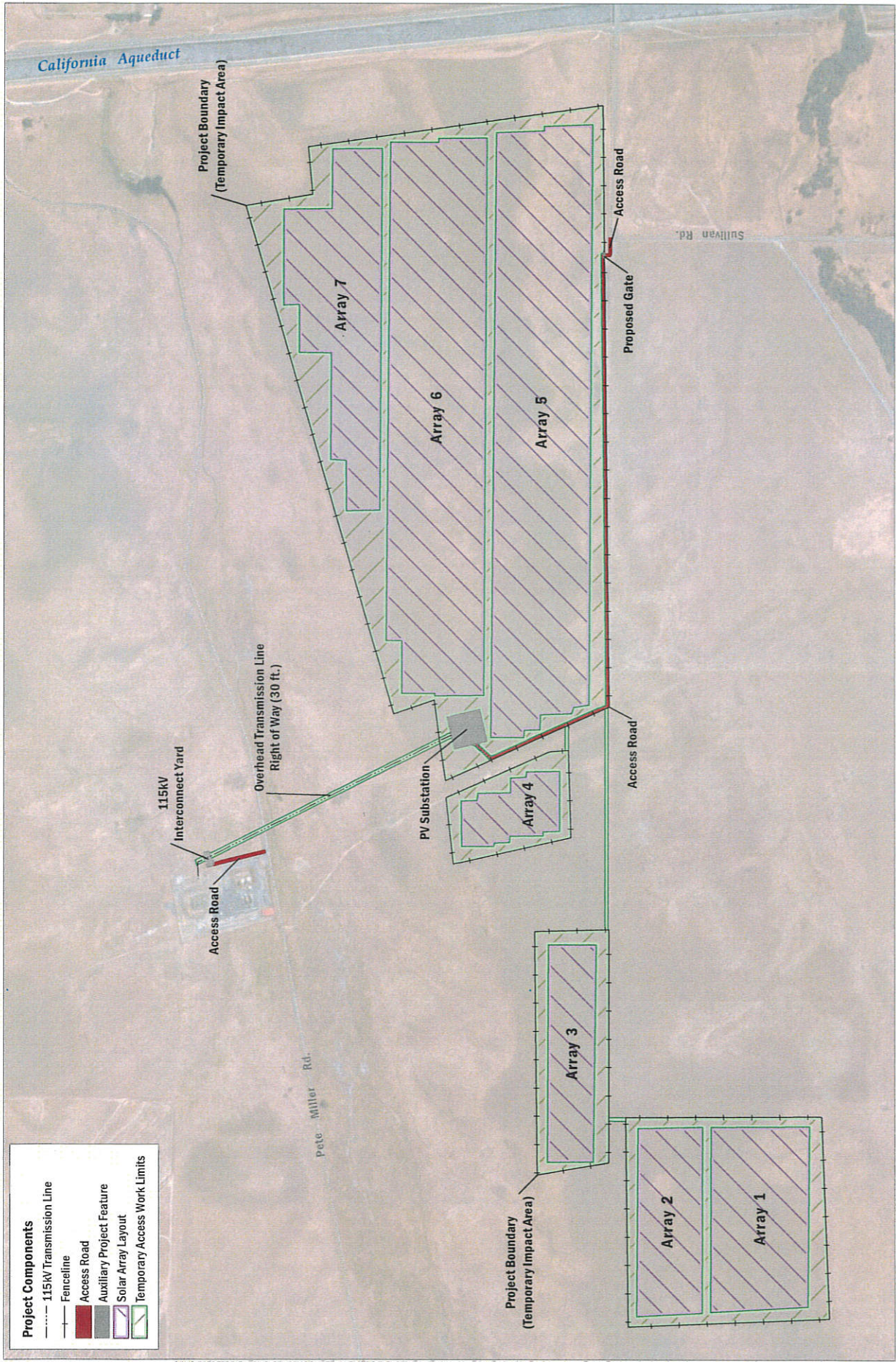
Date: 4/17/2020

Printed Name: Cary Vandenberg

Title: Managing Director

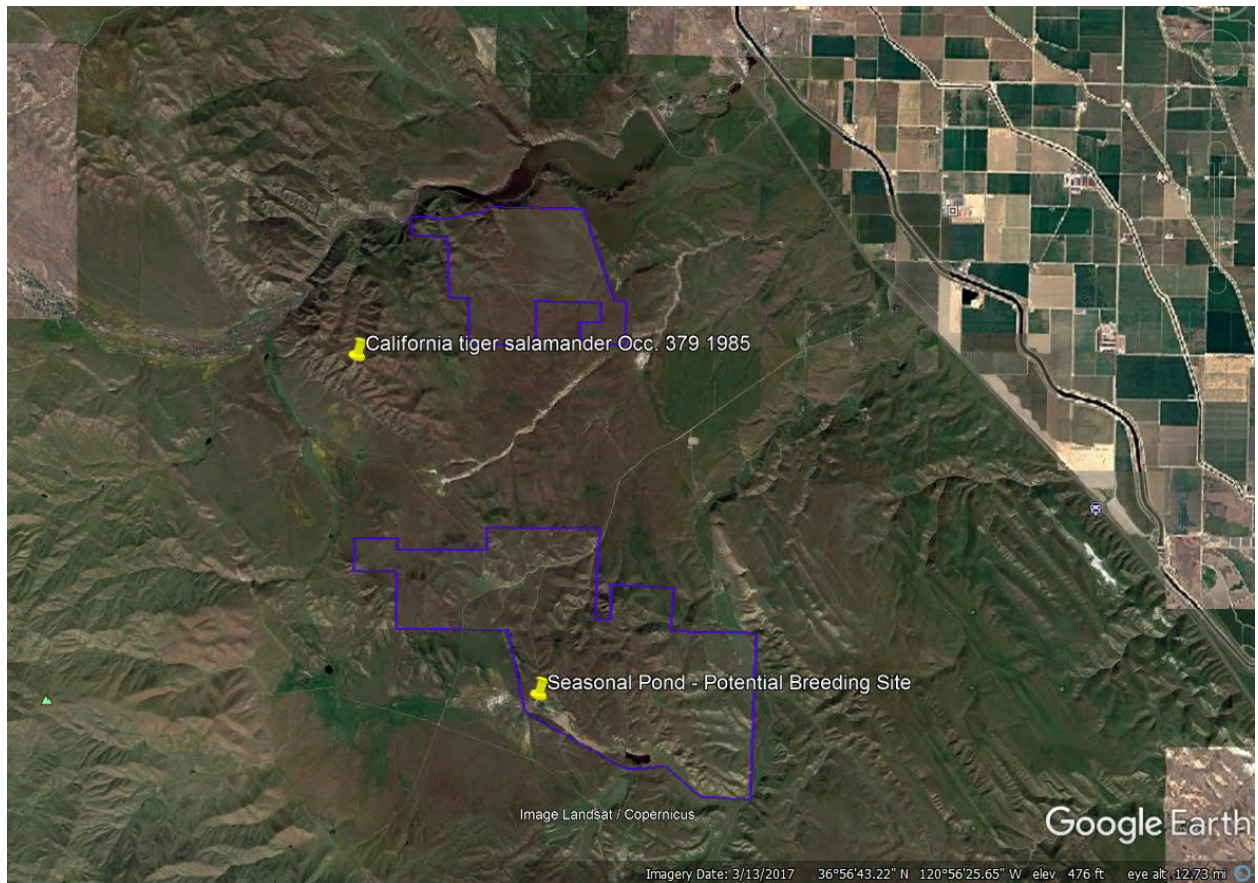
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**FIGURE 2**  
Project Components

Figure 3. Proposed Mitigation Lands



**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2018-004-04**

**PERMITTEE: Central 40, LLC**

**PROJECT: Sullivan Road Solar Project**

**PURPOSE OF THIS MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) no less than 30 days before starting Covered Activities ITP. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with the eviction and excavation of dens being actively used by SJKE, excavation of burrows potentially occupied by CTS, handling of SWHA adults and chicks, enforcing no disturbance buffers and monitoring construction activities under an ITP for the Covered Species. Permittee has the option of utilizing a biological monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to utilize a biological monitor, Permittee shall submit in writing to CDFW the name, qualifications, business address, and contact information of the proposed biological monitor for written pre-approval. Biological monitors may handle Covered Species under the direct supervision of the Designated Biologist only if approved in advance and in writing by CDFW.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
3	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. The Designated Biologist shall have the authority to and shall report any non-compliance with the ITP to CDFW.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
4	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work (including O&M) in the Project Area.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	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.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	Before starting Covered Activities within the Project Area, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	The Designated Representative shall notify CDFW no more than 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Representative	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	<p>Permittee shall either purchase 100 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 10 below OR provide for both the permanent protection and management of 100 acres of Habitat Management (HM) lands that have the ability to facilitate SJKF movement between north and south core populations. The mitigation sites proposed by the Permittee to be used as HM lands for the Project are depicted in Figure 3. CDFW has conceptually agreed to the appropriateness of the 100 acres of HM lands as they appear to be comprised of high quality grassland habitat and are known occupied breeding, refugia, foraging, denning, and nesting habitat for the Covered Species. Prior to CDFW final approval of the 100 acres of proposed HM lands, CDFW shall conduct a site visit and review and approve in writing the information submitted pursuant to Condition of Approval 9.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. After construction is completed, Permittee shall also restore on-site 209 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.11 above for the benefit of Covered Species.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
10	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <p>Land acquisition costs for HM lands identified in Condition of Approval 9.2 below, estimated at \$5,000.00/acre for 100 acres: <b>\$500,000.00</b>. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and include applicable real estate brokerage and escrow fees;</p> <p>Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at <b>\$88,341.37</b>;</p> <p>Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at <b>\$167,008.16</b>;</p> <p>Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$14,840.40/acre for 100 acres: <b>\$1,484,040.03</b>. Long-term management funding is estimated initially for providing Security to ensure implementation of HM lands management.</p> <p>Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.4, estimated at <b>\$12,000.00</b>.</p> <p>Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.11, calculated at \$5,000.00/acre for up to 209 acres: <b>\$1,045,000.00</b>.</p>	ITP Condition #9.1	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:</p> <p><u>Fee Title/Conservation Easement.</u> Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p> <p><u>HM Lands Approval.</u> Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p> <p><u>HM Lands Documentation.</u> Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</p> <p><u>Land Manager.</u> Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified;</p> <p><u>Start-up Activities.</u> Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates">https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates</a>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</p>	ITP Condition #9.2	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Interim Management (Initial and Capital).</u> Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and biological surveys. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>				
12	<p><u>Endowment Fund.</u> The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 9.2.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition #9.3	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).</p>	ITP Condition # 9.3.1	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
14	<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p><u>Capitalization Rate and Fees.</u> 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.</p> <p><u>Endowment Buffers/Assumptions.</u> 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:</p> <p><u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p><u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p><u>Non-annualized Expenses.</u> 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.</p>	ITP Condition #9.3.2	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
15	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Condition #9.3.3	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	<u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review, related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition #9.4	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p><u>Security Amount.</u> The Security shall be in the amount of <b>\$3,296,389.56</b>. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.</p> <p><u>Security Form.</u> 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.</p> <p><u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first.</p> <p><u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p><u>Security Transmittal.</u> 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.</p> <p><u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.</p> <p><u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <ul style="list-style-type: none"> <li>▪ Written documentation of the acquisition of the HM lands;</li> <li>▪ Copies of all executed and recorded conservation easements;</li> <li>▪ Written confirmation from the approved Endowment Manager of its receipt of the full Endowment;</li> <li>▪ Timely submission of all required reports; and</li> <li>▪ Written documentation that all requirements of the post-construction Revegetation Plan have been met.</li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition #10	Before commencing ground- or vegetation-disturbing activities associated with construction (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
<b>DURING PROJECT</b>					

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
18	Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of the ITP or adopted thereafter.	ITP Condition #1	Entire Project	Permittee	
19	Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (MND) (SCH No.: 2015122003) certified by Stanislaus County on April 16, 2019 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).	ITP Condition #2	Entire Project	Permittee	
20	Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Streambed Alteration Agreements (SAA) (Notification No.: 1600-2018-0282-R4, as may be amended) for the Project that will be executed by CDFW pursuant to Fish and Game Code section 1600 et seq.	ITP Condition #3	Entire Project	Permittee	
21	Permittee shall implement and adhere to the terms and conditions related to the Covered Species in any Biological Opinion and accompanying Habitat Conservation Plan prepared for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of the 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 the ITP, the conditions of approval set forth in the ITP shall control.	ITP Condition #4	Entire Project	Permittee	
22	Permittee shall fully implement and adhere to the conditions of the ITP within the time frames set forth below and as set forth in this Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to the ITP.	ITP Condition #5	Entire Project	Permittee	
23	The Designated Biologist shall maintain a construction-monitoring notebook on-site for the duration of the Project (construction through decommissioning and restoration), which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Permittee / Designated Biologist	
24	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Entire Project	Permittee	
25	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 6.8	Entire Project	Permittee	
26	Permittee shall prohibit the use of rodenticides within the Project Area. If animal pests need to be controlled, Permittee shall use humane methods such as live trapping. Permittee shall prohibit the use of other pesticides within Covered Species habitat, except where prior written authorization by CDFW is obtained.	ITP Condition # 6.9	Entire Project	Permittee	
27	Permittee shall prohibit all pets within the Project Area. All working dogs (livestock herding) shall be under the control of a handler at all times when within the Project Area. Working dogs shall be immunized against rabies, parvovirus, and distemper and their immunization records submitted to CDFW prior to them entering the Project Area. Herding dogs shall be on-site only when they are controlling sheep from one portion of the Project Area to another and only under the direct supervision of their handlers. Dogs shall not be allowed within the Project Area outside of daylight hours.	ITP Condition # 6.10	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
28	Project-related personnel shall access the Project Area using existing routes, or new routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour (mph) to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.13	Entire Project	Permittee / Designated Biologist / Designated Representative	
29	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.13.	ITP Condition # 6.14	Entire Project	Permittee / Designated Biologist	
30	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site. Any hazardous materials stored on-site shall be the minimum necessary for Project implementation and shall be stored in contained areas that preclude exposure to wildlife.	ITP Condition # 6.15	Entire Project	Permittee	
31	Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.16	Entire Project	Permittee	
32	The Designated Representative shall immediately notify CDFW in writing if it determines the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee / Designated Representative	
33	The Designated Biologist shall be on-site daily when Covered Activities occur during construction and decommissioning periods, and vegetation- or ground-disturbing O&M. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP when Covered Activities are occurring. The Designated Biologist shall conduct compliance inspections during the construction and decommissioning periods a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 7.3	Entire Project	Permittee / Designated Biologist	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
34	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 during the construction, O&M, and decommissioning periods into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Office and Headquarters CESA Program no later than the 14 <sup>th</sup> day of the month that it is due. The first Quarterly Compliance Report shall be submitted no later than June 14, 2019. At the time of the ITP's approval, the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail 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.	ITP Condition # 7.4	Entire Project	Permittee	
35	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than March 30 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; (7) results of any revegetation initiated and monitoring results (first five years); and (8) information about other Project impacts on the Covered Species.	ITP Condition # 7.5	Entire Project	Permittee	
36	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Permittee	
37	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall immediately provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.8	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
38	<u>Night Work.</u> Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) planned and unplanned maintenance activities, repair and replacement, wiring, and testing that must occur after dark to ensure PV arrays are not energized; (2) interior use of the O&M facility; (3) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine maintenance or repair requiring immediate attention; or (4) security patrols. Permittee shall ensure: (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with extra caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and (3) that CDFW is notified as soon as possible and no later than 24 hours after commencement of any emergency nighttime O&M activities, except those occurring inside the O&M facility. Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.	ITP Condition # 8.1	Entire Project	Permittee	
39	<u>Equipment Fueling.</u> Permittee shall ensure that mobile equipment fueling and maintenance occur at least 100 feet from Covered Species dens or burrows and at least 0.5-mile from an active SWHA nest, unless these actions are occurring within the O&M building. Permittee shall locate permanent and temporary equipment fueling and maintenance areas at a distance of at least 100 feet from SJKF dens and burrows and 1,000 feet from active SWHA nests, and shall include permanent containment devices that will preclude fuel or other liquids from exiting the equipment fueling or maintenance area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling and maintenance locations.	ITP Condition # 8.2	Entire Project	Permittee	
40	<u>Lighting.</u> Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on Covered Species habitat beyond the footprint of permanent or temporary Project facilities between sunset and sunrise. Permittee shall not use motion-triggered lighting (including visible spectrum and infrared) in solar panel arrays or elsewhere on the Project Area except within or at the perimeter of permanent and temporary buildings or covered assembly areas. Exterior, fixed lighting at all Project facilities shall be turned on only when people are present unless required by federal, state, or local law.	ITP Condition # 8.3	Entire Project	Permittee	
41	<u>Geotechnical Investigations.</u> Permittee shall reuse, disperse on site, or remove from the Project Area the soil cuttings from geotechnical investigations. Permittee shall discharge drilling fluids in accordance with the Construction General Permit (Order No. 2009-0009-DWQ as modified by Order No. 2010-0014-DWQ, NPDES No. CAS000002, adopted September 2, 2009, effective July 1, 2010) and the Section 401 Water Quality Certification.	ITP Condition # 8.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<b>Daily Entrapment Inspections.</b> The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within each Work Area at the beginning, middle, and end of each day for trapped Covered Species. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between two- and eight feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Escape ramps shall be at least 12 inches wide and erected every 15 feet. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than eight feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. To prevent inadvertent entrapment of Covered Species or any other animals, the Designated Biologist(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that Covered Species are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each day (including weekends and other non-work days), the Designated Biologist shall inspect the covers to ensure edges have not been lifted, dug under or otherwise compromised. If the Designated Biologist identified or suspects a breach in the cover, the Designated Biologist shall immediately uncover the excavation to ensure no Covered Species is trapped. The Designated Biologist shall inspect all covered and uncovered trenches, holes, sumps and other excavations for trapped Covered Species immediately before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow SJKF the opportunity to escape unimpeded before Covered Activities are allowed to continue. If SJKF does not or cannot extricate itself within a reasonable amount of time, the Designated Biologist shall assist with its extrication before Covered Activities are allowed to continue. If the Covered Species is CTS, the Designated Biologist(s) shall capture and relocate the animal as per the CTS Salvage and Relocation Plan described in Condition of Approval 8.12.	ITP Condition # 8.5	Entire Project	Permittee / Designated Biologist	
43	<b>Materials Inspection.</b> Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (three inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection one of these animals is discovered inside the structure, workers shall notify the Designated Biologist(s) and allow the Covered Species to safely escape that section of the structure before moving and utilizing the structure.	ITP Condition # 8.6	Entire Project	Permittee	
44	<b>Equipment Inspection.</b> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Permittee shall contact the Designated Biologist(s) to determine if the Designated Biologist(s) can safely move the Covered Species out of harm's way in compliance with the ITP.	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	<u>Covered Species Observations</u> . During Project implementation, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. Permittee shall cease all work near the Covered Species until it moves from the Project area of its own accord.	ITP Condition # 8.8	Entire Project	Permittee	
46	<u>Perimeter Fence Design</u> . Permittee shall ensure that perimeter fencing is installed around the solar panel arrays so it does not impede SJKF movement. The Designated Biologist(s) shall accompany the fencing crew to ensure that SJKF are not killed or injured during installation. Perimeter fencing shall consist of wire fencing designed to exclude deer, with openings graduated from 3 to 7 inches square and will be installed inverted, with the larger openings at the bottom to allow SJKF to pass through. Chain-link fencing may also be used if it is installed with a 4- to 5-inch gap from the bottom of the fencing material to the ground surface for the entire length of the fence. The bottom of the fencing material shall be knuckled back to form a smooth edge. Alternate designs may be constructed with prior written approval from CDFW. If chain-link fencing is used within the solar array perimeter fencing (i.e., around substations, O&M buildings, etc.), it shall be installed with the same bottom gap as described above or it shall be outfitted with privacy slats extending from ground level to at least 4 feet above ground level for the entire length of the internal fencing or substation to avoid entanglement of SJKF that could lead to injury or death.	ITP Condition # 8.9	Entire Project	Permittee	
47	<u>Covered Species Injury or Mortality</u> . If a Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. The Permittee shall identify the facility before starting Covered Activities. The Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. If a Covered Species is found deceased, the Designated Biologist shall immediately document the discovery with the date and location of discovery, name of the individual who discovered it, details of the condition of the carcass, and photographs. The Designated Biologist shall then immediately recover the carcass and place it on ice then contact CDFW to determine if the carcass should be shipped to the CDFW wildlife laboratory for necropsy. Permittee shall bear all costs associated with the shipment to the laboratory and any laboratory work deemed necessary. The Permittee shall notify CDFW of the injury to/mortality of the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 7.8. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.10	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	<p><u>Habitat Restoration.</u> The Permittee shall restore 209 acres, which includes temporary storage and laydown areas and lands beneath the solar panels, of Covered Species habitat that will be temporarily disturbed during construction to improve existing conditions for the benefit of the Covered Species. Within six months of issuance of the ITP, the Permittee shall prepare a Vegetation Management, Habitat Restoration, and Re-vegetation Plan (Revegetation Plan) to facilitate revegetation of the 209 acres of temporary construction disturbance on-site, and shall ensure the Plan is successfully implemented by the contractor. Permittee shall submit the Plan to CDFW for review and written approval prior to the start of Covered Activities. Permittee shall restore the ground and vegetation to a condition conducive to Covered Species recolonization. Permittee shall ensure the Plan includes the following requirements, at a minimum:</p> <ul style="list-style-type: none"> <li>• Identification of the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet;</li> <li>• Description of how the native topsoil from the Project Area and/or seed will be applied over the area to establish suitable vegetation for Covered Species;</li> <li>• A grazing plan, including residual dry matter sampling techniques and frequency;</li> <li>• Fire control actions;</li> <li>• Invasive plant species removal methods;</li> <li>• Seed mix and shrub species to be used and planting method;</li> <li>• Restoration actions and supplemental watering regime;</li> <li>• Success criteria for revegetation efforts;</li> <li>• Five-year monitoring plan; and</li> <li>• Contingency plan if criteria are not met to ensure upland habitat suitability for Covered Species.</li> <li>• If the temporarily impacted lands have not returned to surrounding Covered Species habitat five years after completion of the Project, additional mitigation and an amendment to the ITP may be required.</li> </ul>	ITP Condition # 8.11	Entire Project	Permittee	
<b>CONSTRUCTION AND DECOMMISSIONING - CTS</b>					

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
49	<u>CTS Salvage and Relocation Plan</u> . The Designated Biologist(s) shall prepare a CTS Salvage and Relocation Plan. The CTS Salvage and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents potential breeding and upland habitat (those areas within 1.3 miles of known or potential breeding habitat for the Covered Species); an identification of the survey, hand excavation, capture, handling, and relocation methods; identification of relocation area(s); and identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats amphibians. The CTS Salvage and Relocation Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities within the Project Area may not proceed until the CTS Relocation Plan is approved in writing by CDFW. Only CDFW-approved Designated Biologist(s) are authorized to capture and handle CTS.	ITP Condition # 8.12	Entire Project	Permittee / Designated Biologist	
50	<u>Pre-Activity Surveys</u> . The Designated Biologist(s) shall perform pre-activity surveys for CTS no more than 14 days prior to conducting Covered Activities in each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 50-foot buffer for detection of CTS and burrows. Any CTS found within the Work Area or 50-foot buffer zone(s) shall be relocated from the Work Area or buffer zone(s) by the Designated Biologist in accordance with the CDFW-approved CTS Salvage and Relocation Plan prepared in accordance with Condition of Approval 8.12. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for CTS burrows within each Work Area and 50-foot buffer as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.	ITP Condition # 8.13	Entire Project	Permittee / Designated Biologist	
51	<u>Flag Burrows</u> . The Designated Biologist(s) shall flag all small mammal burrows within the Work Area(s) and a 50-foot buffer zone(s) (see Condition of Approval 8.13) to alert biological and work crews to their presence. Where feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained regardless if the burrow is in the Work Area or solely within the Work Area's 50-foot buffer zone.	ITP Condition # 8.14	Entire Project	Permittee / Designated Biologist	
52	<u>Small Mammal Burrow Excavation</u> . In each Work Area to be disturbed, all small mammal burrows flagged per Condition of Approval 8.14 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand. This excavation requirement applies regardless if the burrow is located within the Work Area or the Work Area's 50-foot buffer zone as long as it is located within the Project Area. The Designated Biologist(s) shall excavate and relocate any live CTS discovered during burrow excavation in accordance with the CTS Salvage and Relocation Plan required in Condition of Approval 8.12. Excavation shall occur no more than 14 days after the completion of the CTS pre-construction surveys as described in Condition of Approval 8.13.	ITP Condition # 8.15	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	<u>CTS Exclusion Fencing.</u> If Permittee initiates or extends Covered Activities into the CTS breeding season (December through May), the Permittee shall install CTS exclusion fencing around each Work Area to prevent CTS from migrating into Work Areas. Permittee shall have the fencing material and design reviewed and approved in writing by CDFW before installation. The exclusion fence shall be installed after all small mammal burrows inside the Work Areas that cannot be avoided are excavated by the Designated Biologist(s) in accordance with Condition of Approval 8.15 to prevent entrapment of CTS within the Work Areas. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 8.15 prior to commencing fence installation. Alternatively, Permittee may elect to forego exclusion fence installation. At any time, if exclusion fence is not erected at a Work Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.20.	ITP Condition # 8.16	Entire Project	Permittee / Designated Biologist	
54	<u>CTS Exclusion Fencing Installation.</u> The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that CTS are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area being fenced. Permittee shall check the exclusion fence daily when on-site and at least once weekly during periods of inactivity to monitor for CTS that may need relocating according to the CTS Salvage and Relocation Plan pursuant to Condition of Approval 8.12 and maintain/repair the fence as necessary to ensure its effectiveness. Permittee shall install temporary exclusion fencing in a sequential manner that corresponds to the progression of Covered Activities within Work Areas. For example, temporary fencing is not required to be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area.	ITP Condition # 8.17	Entire Project	Permittee / Designated Biologist	
55	<u>CTS In Work Area.</u> If CTS is found by any person in the Work Area before or during Covered Activities, all work that could potentially harm the CTS shall stop immediately until the Designated Biologist(s) can relocate the CTS following the CTS Salvage and Relocation Plan specified in Condition of Approval 8.12. The relocation area(s) shall be identified in the CTS Salvage and Relocation Plan by the Designated Biologist(s) prior to the start of Covered Activities and are subject to CDFW approval.	ITP Condition # 8.18	Entire Project	Permittee / Designated Biologist	
56	<u>CTS Record of Handling.</u> All CTS captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the CTS; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. This information shall also be included in the Monthly Compliance Reports and Final Mitigation Report.	ITP Condition # 8.19	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	<u>Rain Forecast.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The Designated Biologist(s) shall re-survey each Work Area before Covered Activities resume to capture and relocate any CTS that are discovered during the surveys. Work Areas where exclusion fencing has been installed in accordance with Conditions of Approval 8.16 and 8.17 may continue Covered Activities during rainfall events	ITP Condition # 8.20	Entire Project	Permittee / Designated Biologist	
58	<u>Fieldwork Code of Practice.</u> To ensure that disease is not conveyed between Work Areas the Designated Biologist(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (Attachment 2). The Designated Biologist(s) may substitute a bleach solution (0.5 to one cup of bleach to one gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before reusing the equipment in the next Work Area.	ITP Condition # 8.21	Entire Project	Permittee / Designated Biologist	
<b>CONSTRUCTION AND DECOMMISSIONING - SJKF</b>					
59	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall perform pre-activity surveys for SJKF no more than 14 days prior to conducting Covered Activities for each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 500-foot buffer for detection of SJKF dens and burrows. All potential, known and natal SJKF dens detected shall be flagged and mapped. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SJKF dens within each Work Area and 500-foot buffer during the SJKF pupping season (December 1 through August 31) or 50-foot buffer outside of the pupping season (September 1 through November 30) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.	ITP Condition # 8.22	During construction and decommissioning	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	<u>SJKF Den Avoidance.</u> If a potential SJKF den (any subterranean hole, four (4) inches or larger, for which available evidence is insufficient to conclude that it is being used or has been used by a SJKF) is discovered, a minimum 50-foot buffer around the potential den shall be established using flagging. If a known SJKF den or a SJKF is found in an "atypical" den such as a pipe or culvert is discovered, Permittee shall establish a minimum buffer of at least 100 feet around the den using flagging. If a natal den (den in which SJKF young are or have been reared) is discovered, a buffer of at least 200 feet around the den using flagging shall be established. For any natal dens with pups, the den shall be protected with a buffer of at least 500 feet delineated using flagging. Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 8.24. The Permittee shall notify the USFWS and CDFW's Regional Representative within twenty-four (24) hours via telephone or e-mail if any SJKF active dens, natal dens (occupied or unoccupied), or occupied atypical dens are discovered within or within 500 feet of the Project Area.	ITP Condition # 8.23	During construction and decommissioning	Permittee / Designated Biologist	
61	<u>SJKF Den Excavation.</u> For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 8.23, and if, after five (5) consecutive days of monitoring with tracking medium and infrared camera, the Designated Biologist(s) has determined that SJKF is not currently present, the Designated Biologist(s) may excavate or temporarily block the den(s) outside the SJKF breeding season (December 1 through August 31). Temporary blocking of the den openings shall occur when the den will not be immediately and directly impacted by Covered Activities resulting in permanent impacts. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated (destroyed) by or under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated during the breeding season and only after the Designated Biologist(s) has verified the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. Dens to be blocked (e.g., not within a permanent impact area) shall be blocked with sandbags or other CDFW-pre-approved material that ensures that SJKF cannot reenter or use the den during Covered Activities, but that can be easily removed at the cessation of Covered Activities in a given Work Area. Outside of the breeding season, if an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall contact USFWS and CDFW and receive written guidance (e-mail will suffice) from both agencies prior to proceeding with den excavation.	ITP Condition # 8.24	During construction and decommissioning	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<u>SJKF Den Replacement Plan</u> . Within ten (10) days of fully excavating a den, filling it with dirt, and compacting it (see Condition of Approval 8.24), Permittee shall replace each destroyed (excavated) known, active, and natal den with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. A minimum of 30 days prior to commencement of Covered Activities, the Designated Biologist(s) shall prepare a SJKF Den Replacement Plan. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of the locations of each known, active, and natal den; a discussion and map of potential locations for artificial den replacements; an identification of the hand excavation methods; and identification of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). The SJKF Den Replacement Plan shall be submitted to CDFW for approval prior to the excavation of any SJKF dens within the Project Area and <b><i>den excavation may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW.</i></b>	ITP Condition # 8.25	During construction and decommissioning	Permittee / Designated Biologist	
63	<u>Unblocking Temporarily Blocked SJKF Dens</u> . SJKF dens blocked as per Condition of Approval 8.24 shall be unblocked (material at entrance removed) within 48 hours of the cessation of active Covered Activities and when the Designated Biologist(s) determines that potential resumed use will not result in harm to SJKF.	ITP Condition # 8.26	During construction and decommissioning	Designated Biologist / Permittee	
64	<u>SJKF Record of Passive Relocation</u> . The Designated Biologist shall document the following information upon all SJKF observations, passive relocation, excavation or protect in place (temporary den entrance blockage) activities: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the SJKF; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. The Designated Biologist shall also include this information in the Quarterly Compliance (Condition of Approval 7.4) and ASR (Condition of Approval 7.5).	ITP Condition # 8.27	During construction and decommissioning	Designated Biologist / Permittee	
<b>CONSTRUCTION AND DECOMMISSIONING - SWHA</b>					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
65	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall conduct surveys for SWHA during the nesting season (February 1 through September 15) no more than 14 days before starting Covered Activities within the Project Area and within 0.5 miles of the Project Area. The Designated Biologist shall conduct additional surveys at each Work Area and within 0.5 mile of each Work Area before starting Covered Activities during the breeding season each year Covered Activities are occurring in any Work Area. The Designated Biologist shall provide survey results to CDFW in a written report no fewer than five (5) days prior to beginning or resuming Covered Activities during the nesting season. If 14 or more days elapse before any Covered Activities begin or if Covered Activities cease for 14 or more days in a Work Area, the Designated Biologist shall complete an additional survey and submit survey results to CDFW no fewer than five (5) days prior to the start of those Covered Activities. The Designated Biologist or Designated Representative shall notify CDFW within 24 hours of the location of each new nest detected at and within 0.5 mile of the Project Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SWHA nests within the Work Area and 0.5-mile buffer during the SWHA breeding season (February 1 through September 15) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24 hours after commencement of Covered Activities during forced outage or emergency activities.	ITP Condition # 8.28	During construction and decommissioning	Designated Biologist	
66	<u>SWHA Nest Identification and Mapping.</u> As the Designated Biologist identifies active SWHA nests at and within 0.5 mile of the Project Area, the Designated Biologist shall: 1) map the nests and make them known to all employees and contractors with access to the Project Area, 2) flag or otherwise identify the nests and buffers in the field until the young have fledged and are independent of the adults or the Designated Biologist has determined the adults are no longer nesting, and 3) provide initial mapping of the nests to CDFW (i.e., by e-mail) no more than one week prior to initiating Covered Activities and within 24 hours of each new nest detection following the start of Covered Activities.	ITP Condition # 8.29	During construction and decommissioning	Designated Biologist / Permittee	
67	<u>SWHA Nest Buffers.</u> The Permittee and the Designated Biologist shall ensure that no Covered Activities occur within 500 feet of an active SWHA nest during the nesting season (February 1 through September 15). The 500-foot no-disturbance buffer shall not be reduced or otherwise modified without first consulting with and receiving written approval from CDFW. An e-mail will suffice for CDFW written approval. Worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking is prohibited within 1,000 feet of any active SWHA nest.	ITP Condition # 8.30	During construction and decommissioning	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	<u>SWHA Nest Monitoring</u> . If a nesting SWHA is found in the Project Area or the 0.5-mile Project Area buffer, the Designated Biologist(s) shall be present for the entire duration of any Covered Activities within the Project Area that is within the 0.5-mile buffer, to monitor the behavior of the potentially affected SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if any bird(s) exhibit distress and/or abnormal nesting behavior (i.e., swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) that may cause reproductive failure (i.e., nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.	ITP Condition # 8.31	During construction and decommissioning	Permittee / Designated Biologist	
69	<u>SWHA Injury</u> . If a SWHA is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility and shall bear any costs associated with the care or treatment of such injured SWHA. The Permittee shall notify CDFW of the injury to the SWHA immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 8.10. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.32	During construction and decommissioning	Permittee / Designated Biologist	
70	<u>SWHA Nest Abandonment</u> . The Designated Biologist shall prepare a Nest Abandonment Contingency Plan (Plan) and submit it to CDFW for written approval no more than seven (7) business days after execution of the ITP. The Plan shall include, but not be limited to, identification of capture methods, handling methods, methods to return SWHA individuals back into the wild, and the identification of a wildlife rehabilitation center or veterinary facility. Only the Designated Biologist shall handle and relocate eggs, hatchlings, or injured SWHA. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report within five (5) days. Each notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken. These incidents shall also be included in the reports required by Conditions of Approval 7.4, 7.5, and 7.7 of the ITP.	ITP Condition # 8.33	During construction and decommissioning	Permittee / Designated Biologist	
71	<u>Artificial Lighting at Night</u> . Permittee shall not use permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting that casts light on SWHA habitat beyond the Project Area between sunset and sunrise. Nighttime construction lighting shall be shielded and oriented downward to minimize effects on any nearby receptors.	ITP Condition # 8.34	During construction and decommissioning	Permittee / Designated Biologist	
<b>DURING O&amp;M - CTS</b>					

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
72	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall perform pre-activity surveys for CTS no more than 14 days prior to conducting ground disturbing O&M Covered Activities in each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 50-foot buffer for detection of CTS and burrows. Any CTS found within the Work Area or 50-foot buffer zone(s) shall be relocated from the Work Area or buffer zone(s) by the Designated Biologist in accordance with the CDFW-approved CTS Salvage and Relocation Plan prepared in accordance with Condition of Approval 8.12. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for CTS burrows within each Work Area and 50-foot buffer as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.	ITP Condition # 8.35	During O&M	Permittee / Designated Biologist	
73	<u>Flag Burrows.</u> The Designated Biologist(s) shall flag all small mammal burrows within the Work Area(s) and a 50-foot buffer zone(s) (see Condition of Approval 8.35) to alert biological and work crews to their presence. Where feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained regardless if the burrow is in the Work Area or solely within the Work Area's 50-foot buffer zone.	ITP Condition # 8.36	During O&M	Permittee / Designated Biologist	
74	<u>Small Mammal Burrow Excavation.</u> In each Work Area where ground disturbing O&M activities are to occur, all small mammal burrows flagged per Condition of Approval 8.36 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand by the Designated Biologist. This excavation requirement applies regardless if the burrow is located within the Work Area or the Work Area's 50-foot buffer zone as long as it is located within the Project Area. The Designated Biologist(s) shall excavate and relocate any live CTS discovered during burrow excavation in accordance with the CTS Salvage and Relocation Plan required in Condition of Approval 8.12. Excavation shall occur no more than 14 days after the completion of the CTS pre-construction surveys as described in Condition of Approval 8.35.	ITP Condition # 8.37	During O&M	Permittee / Designated Biologist	
75	<u>CTS Exclusion Fencing.</u> If Permittee initiates or extends ground disturbing O&M Covered Activities into the CTS breeding season (December through May), the Permittee shall install CTS exclusion fencing around each Work Area to prevent CTS from migrating into Work Areas. Permittee shall have the fencing material and design reviewed and approved in writing by CDFW before installation. The exclusion fence shall be installed after all small mammal burrows inside the Work Areas that cannot be avoided are excavated by the Designated Biologist(s) in accordance with Condition of Approval 8.37 to prevent entrapment of CTS within the Work Areas. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 8.37 prior to commencing fence installation. Alternatively, Permittee may elect to forego exclusion fence installation. At any time, if exclusion fence is not erected at a Work Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.42.	ITP Condition # 8.38	During O&M	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
76	<u>CTS Exclusion Fencing Installation.</u> The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that CTS are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area being fenced. Permittee shall check the exclusion fence daily when on-site and at least once weekly during periods of inactivity to monitor for CTS that may need relocating according to the CTS Salvage and Relocation Plan pursuant to Condition of Approval 8.12 and maintain/repair the fence as necessary to ensure its effectiveness. Permittee shall install temporary exclusion fencing in a sequential manner that corresponds to the progression of Covered Activities within Work Areas. For example, temporary fencing is not required to be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area.	ITP Condition # 8.39	During O&M	Permittee / Designated Biologist	
77	<u>CTS In Work Area.</u> If CTS is found by any person in the Work Area before or during Covered Activities, all work that could potentially harm the CTS shall stop immediately until the Designated Biologist(s) can relocate the CTS following the CTS Salvage and Relocation Plan specified in Condition of Approval 8.12. The relocation area(s) shall be identified in the CTS Salvage and Relocation Plan by the Designated Biologist(s) prior to the start of Covered Activities and are subject to CDFW approval.	ITP Condition # 8.40	During O&M	Permittee / Designated Biologist	
78	<u>CTS Record of Handling.</u> All CTS captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the CTS; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.6. This information shall also be included in the Monthly Compliance Reports and Final Mitigation Report.	ITP Condition # 8.41	During O&M	Permittee / Designated Biologist	
79	<u>Rain Forecast.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The Designated Biologist(s) shall re-survey each Work Area before Covered Activities resume to capture and relocate any CTS that are discovered during the surveys. Work Areas where exclusion fencing has been installed in accordance with Conditions of Approval 8.38 and 8.39 may continue Covered Activities during rainfall events.	ITP Condition # 8.42	During O&M	Permittee / Designated Biologist	
80	<u>Fieldwork Code of Practice.</u> To ensure that disease is not conveyed between Work Areas the Designated Biologist(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (Attachment 2). The Designated Biologist(s) may substitute a bleach solution (0.5 to one cup of bleach to one gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before reusing the equipment in the next Work Area.	ITP Condition # 8.43	During O&M	Permittee / Designated Biologist	
<b>DURING O&amp;M - SJKF</b>					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
81	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall perform pre-activity surveys for SJKF no more than 14 days prior to conducting ground disturbing O&M Covered Activities for each portion of the Project Area undergoing a Covered Activity (Work Area). Surveys shall include 100 percent coverage of each Work Area and a 500-foot buffer for detection of SJKF dens and burrows. All potential, known and natal SJKF dens detected shall be flagged and mapped. The Designated Biologist shall submit a report documenting the results of the pre-activity surveys to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities in each Work Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SJKF dens within each Work Area and 500-foot buffer during the SJKF pupping season (December 1 through August 31) or 50-foot buffer outside of the pupping season (September 1 through November 30) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after commencement of Covered Activities during forced outage or emergency activities.	ITP Condition # 8.44	During O&M	Permittee / Designated Biologist	
82	<u>SJKF Den Avoidance.</u> If a potential SJKF den (any subterranean hole, four (4) inches or larger, for which available evidence is insufficient to conclude that it is being used or has been used by a SJKF) is discovered, a minimum 50-foot buffer around the potential den shall be established using flagging. If a known SJKF den or a SJKF is found in an "atypical" den such as a pipe or culvert is discovered, Permittee shall establish a minimum buffer of at least 100 feet around the den using flagging. If a natal den (den in which SJKF young are or have been reared) is discovered, a buffer of at least 200 feet around the den using flagging shall be established. For any natal dens with pups, the den shall be protected with a buffer of at least 500 feet delineated using flagging. Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 8.44. The Permittee shall notify the USFWS and CDFW's Regional Representative within twenty-four (24) hours via telephone or e-mail if any SJKF active dens, natal dens (occupied or unoccupied), or occupied atypical dens are discovered within or within 500 feet of the Project Area.	ITP Condition # 8.45	During O&M	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
83	<u>SJKF Den Excavation</u> . For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 8.45, and if, after five (5) consecutive days of monitoring with tracking medium and infrared camera, the Designated Biologist(s) has determined that SJKF is not currently present, the Designated Biologist(s) may excavate or temporarily block the den(s) outside the SJKF breeding season (December 1 through August 31). Temporary blocking of the den openings shall occur when the den will not be immediately and directly impacted by Covered Activities resulting in permanent impacts. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated (destroyed) by or under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated during the breeding season and only after the Designated Biologist(s) has verified the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. Dens to be blocked (e.g., not within a permanent impact area) shall be blocked with sandbags or other CDFW-pre-approved material that ensures that SJKF cannot reenter or use the den during Covered Activities, but that can be easily removed at the cessation of Covered Activities in a given Work Area. Outside of the breeding season, if an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall contact USFWS and CDFW and receive written guidance (e-mail will suffice) from both agencies prior to proceeding with den excavation.	ITP Condition # 8.46	During O&M	Permittee / Designated Biologist	
84	<u>SJKF Den Replacement</u> . <u>SJKF Den Replacement Plan</u> . Within ten (10) days of fully excavating a den, filling it with dirt, and compacting it (see Condition of Approval 8.46), Permittee shall replace each destroyed (excavated) known, active, and natal den with an artificial den in accordance with the CDFW approved Den Replacement Plan (see Condition of Approval 8.25) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators.	ITP Condition # 8.47	During O&M	Permittee	
85	<u>Unblocking Temporarily Blocked SJKF Dens</u> . SJKF dens blocked as per Condition of Approval 8.46 shall be unblocked (material at entrance removed) within 48 hours of the cessation of active Covered Activities and when the Designated Biologist(s) determines that potential resumed use will not result in harm to SJKF.	ITP Condition # 8.48	During O&M	Designated Biologist	
86	<u>SJKF Record of Passive Relocation</u> . The Designated Biologist shall document the following information upon all SJKF observations, passive relocation, excavation or protect in place (temporary den entrance blockage) activities: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the SJKF; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDB as per Condition of Approval 7.6. The Designated Biologist shall also include this information in the Quarterly Compliance (Condition of Approval 7.4) and ASR (Condition of Approval 7.5).	ITP Condition # 8.49	During O&M	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>DURING O&amp;M - SWHA</b>					
87	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall conduct surveys for SWHA during the nesting season (February 1 through September 15) no more than 14 days before starting ground disturbing O&M Covered Activities within the Project Area and within 0.5 miles of the Project Area. The Designated Biologist shall conduct additional surveys at each Work Area and within 0.5 mile of each Work Area before starting ground disturbing O&M Covered Activities during the breeding season each year ground disturbing O&M Covered Activities are occurring in any Work Area. The Designated Biologist shall provide survey results to CDFW in a written report no fewer than five (5) days prior to beginning or resuming Covered Activities during the nesting season. If 14 or more days elapse before any Covered Activities begin or if Covered Activities cease for 14 or more days in a Work Area, the Designated Biologist shall complete an additional survey and submit survey results to CDFW no fewer than five (5) days prior to the start of those Covered Activities. The Designated Biologist or Designated Representative shall notify CDFW within 24 hours of the location of each new nest detected at and within 0.5 mile of the Project Area. Pre-activity surveys may not be possible for forced outages and other unanticipated emergencies (defined in accordance with Section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Biologist(s) shall be notified of forced outage activities as soon as is practicable and shall survey for SWHA nests within the Work Area and 0.5-mile buffer during the SWHA breeding season (February 1 through September 15) as soon as is practicable after being notified of forced outages and other unanticipated emergencies. Permittee shall notify CDFW no later than 24 hours after commencement of Covered Activities during forced outage or emergency activities.	ITP Condition # 8.50	During O&M	Designated Biologist / Designated Representative	
88	<u>SWHA Nest Identification and Mapping.</u> As the Designated Biologist identifies active SWHA nests at and within 0.5 mile of the Project Area, the Designated Biologist shall: 1) map the nests and make them known to all employees and contractors with access to the Project Area, 2) flag or otherwise identify the nests and buffers in the field until the young have fledged and are independent of the adults or the Designated Biologist has determined the adults are no longer nesting, and 3) provide initial mapping of the nests to CDFW (i.e., by e-mail) no more than one week prior to initiating Covered Activities and within 24 hours of each new nest detection following the start of Covered Activities.	ITP Condition # 8.51	During O&M	Designated Biologist / Permittee	
89	<u>SWHA Nest Buffers.</u> The Permittee and the Designated Biologist shall ensure that no ground disturbing Covered Activities occur within 500 feet of an active SWHA nest during the nesting season (February 1 through September 15). The 500-foot no-disturbance buffer shall not be reduced or otherwise modified without first consulting with and receiving written approval from CDFW. An e-mail will suffice for CDFW written approval. Worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking is prohibited within 1,000 feet of any active SWHA nest.	ITP Condition # 8.52	During O&M	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
90	<u>SWHA Nest Monitoring</u> . If a nesting SWHA is found in the Project Area or the 0.5-mile Project Area buffer, the Designated Biologist(s) shall be present for the entire duration of any ground disturbing O&M Covered Activities within the Project Area that is within the 0.5-mile buffer, to monitor the behavior of the potentially affected SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if any bird(s) exhibit distress and/or abnormal nesting behavior (i.e., swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) that may cause reproductive failure (i.e., nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.	ITP Condition # 8.53	During O&M	Designated Biologist / Permittee	
91	<u>SWHA Injury</u> . If a SWHA is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility and shall bear any costs associated with the care or treatment of such injured SWHA. The Permittee shall notify CDFW of the injury to the SWHA immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 8.10. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.54	During O&M	Designated Biologist / Permittee	
92	<u>SWHA Nest Abandonment</u> . Only the Designated Biologist shall handle and relocate eggs, hatchlings, or injured SWHA per Condition of Approval 8.33. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report within five (5) days. Each notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken. These incidents shall also be included in the reports required by Conditions of Approval 7.4, 7.5, and 7.7 of the ITP.	ITP Condition # 8.55	During O&M	Permittee / Designated Biologist	
93	<u>Artificial Lighting at Night</u> . Permittee shall not use permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting that casts light on SWHA habitat beyond the Project Area between sunset and sunrise. Nighttime O&M lighting shall be shielded and oriented downward to minimize effects on any nearby receptors.	ITP Condition # 8.56	During O&M	Permittee / Designated Biologist	
<b>POST-CONSTRUCTION/PROJECT</b>					
94	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all fill material and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.17	Post-construction	Permittee	
95	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report, which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.7	Post-construction and no more than 45 days after completion of mitigation	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
96	<u>As-Built Development Plans</u> . Permittee shall submit as-built development plans to CDFW within forty-five (45) days of completing all construction activities. The as-built plan sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include delineation of the permanent and temporary disturbance during construction by highlighting the disturbance areas on the as-built plan sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from survey data acquired after Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted to CDFW in Portable Document Format (PDF) or a similar electronic format.	ITP Condition # 7.9	Within 45 days post-construction	Permittee	
97	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.7	Post-construction and after completion of mitigation	CDFW	

## Attachment 2

## The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolates species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately and the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")**

Date: \_\_\_\_\_

TO: Regional Representative

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Facsimile:

FROM: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant proposes that the following parcel(s) of land be considered for approval by the California Department of Fish and Wildlife as suitable for purposes of habitat management lands to compensate the adverse environmental impacts of the Project:

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
-------------------	-----------------	--------------	---------------	--------------

_____	_____	_____	_____	_____
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Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Description of Location of Parcel(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land Value: \$

For Region Use Only

APPROVED \_\_\_\_

By: \_\_\_\_\_  
Regional Manager's Signature

DATE: \_\_\_\_\_

REJECTED \_\_\_\_

Region: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ATTACHMENT 3B  
DEPARTMENT OF FISH AND WILDLIFE  
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

The following checklist is provided to inform you of what documents are necessary to expedite the Department of Fish and Wildlife (CDFW) processing of your Habitat Management Land acquisition proposal. Any land acquisition processing requests which are incomplete when received, will be returned. The Region contact will review and approve the document package and forward it to the Habitat Conservation Planning Branch Senior Land Agent with a request to process the land acquisition for formal acceptance.

To: \_\_\_\_\_  
Regional Manager, Region Name

From: \_\_\_\_\_  
Project Applicant

Phone: \_\_\_\_\_

Tracking #: \_\_\_\_\_  
CDFW assigned permit or agreement #

Project Name: \_\_\_\_\_

Enclosed is the complete package for the ☐ Conservation Easement OR ☐ Grant Deed

Documents in this package include:

☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed with legal description stamped by a licensed surveyor. Date executed: \_\_\_\_\_

☐ Proposed Lands for Acquisition Form (PLFAF)

☐ Phase I Environmental Site Assessment Report Date on report: \_\_\_\_\_  
(An existing report may be used, but it must be less than two years old.)

☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

☐ a plot or map of easements/encumbrances on the property

☐ Policy of Title Insurance (an existing title policy is not acceptable)

☐ County Assessor Parcel Map(s) for subject property

☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ Permit \_\_\_\_\_ Other: \_\_\_\_\_  
(write in type of permit)

☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)

☐ Biological Resources Report

☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)

Attachment 4

IRREVOCABLE STANDBY LETTER OF CREDIT  
NO. [**Number issued by financial institution**]

---

Issue Date: [**date**]

Beneficiary:

Department of Fish and Wildlife  
Post Office Box 944209  
Sacramento, CA 94244-2090  
Attn: HCPB Mitigation Account Coordinator

Amount: U.S. \$[**dollar number**] [(**dollar amount**)]

Expiry: [**Date**] at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, [**name of applicant**] ("Applicant"), we, [**Name of financial institution**] ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$[**dollar number**] [(**dollar amount**)] ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of the CDFW pursuant to the terms of the incidental take permit for the [**name of project**] issued by the CDFW to the Applicant on [**date**] (No. [**number**]) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions [**numbers**] in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by the CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. The CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at [**name and address of financial institution**].
6. The Certificate shall be completed and signed by an "Authorized Representative" of the CDFW as defined in paragraph 12 below. Presentation by the CDFW of a

completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.

7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to the CDFW, or to the account of the CDFW, in immediately available funds, as the CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give the CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, the CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to the CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of the CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the Department of Fish and Wildlife, the General Counsel of the Department of Fish and Wildlife, or a Regional Manager of the Department of Fish and Wildlife.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify the CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [**name and address of financial institution**], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for the CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account Coordinator; and (ii) for the Applicant: [**name and address of applicant**].
15. This Credit may not be transferred.

16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.
18. We hereby agree with the CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

**[*Name of financial institution*]**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTACHMENT A

IRREVOCABLE STANDBY LETTER OF CREDIT NO. [***Number issued by financial institution***]  
CERTIFICATE FOR DRAWING

To:

***[Name and address of financial institution]***

Re: Incidental Take Permit No. [***permit number***]

The undersigned, a duly Authorized Representative of the Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. [***Insert one of the following statements:*** "In the opinion of the CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." ***or*** "As set forth in paragraph 13, the Issuer has informed the CDFW that the Credit will not be extended and the Applicant has not provided the CDFW with an equivalent security approved by the CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. The CDFW is therefore making a drawing under the Credit in amount of U.S. \$\_\_\_\_\_.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, the CDFW has executed and delivered this Certificate as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: \_\_\_\_\_

***[Insert one of the following: "DIRECTOR" or "GENERAL COUNSEL" or "REGIONAL MANAGER, [NAME OF REGIONAL OFFICE]"***

ATTACHMENT B

IRREVOCABLE LETTER OF CREDIT NO. [**Number issued by financial institution**]  
CERTIFICATE FOR CANCELLATION

To:

[**Name of financial institution and address**]

Re: Incidental Take Permit No. [**permit number**]

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. [**Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The natural expiration of this Credit has occurred."]
2. The CDFW therefore requests the cancellation of the Credit.

Therefore, the CDFW has executed and delivered this Certificate for Cancellation as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: \_\_\_\_\_

[**Insert one of the following:** "DIRECTOR" **or** "GENERAL COUNSEL" **or** "REGIONAL MANAGER, [**NAME OF REGIONAL OFFICE**"]]

State of California - Department of Fish and Wildlife

**MITIGATION PAYMENT TRANSMITTAL FORM**

DFW 1057 (NEW 07/28/17)

**Project Applicant Instructions:** Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and ASB Mitigation Tracking Number (if available) on the attached payment type.

<b>1. DATE:</b> _____  <b>TO:</b> _____ Regional Manager  _____ Region Office Address	<b>2. FROM:</b> _____ Name  _____ Mailing Address  _____ City, State, Zip  _____ Telephone Number/FAX Number
<b>3. RE:</b> _____ Project Name as appears on permit/agreement	

**4. AGREEMENT/ACCOUNT INFORMATION:** (check the applicable type)
☐ 2081 Permit    ☐ Conservation Bank    ☐ 2835 NCCP    ☐ 1802 Agreement    ☐ 1600 Agreement    ☐ Other \_\_\_\_\_

 \_\_\_\_\_  
 Project Tracking Number
**5. PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:Check information:

Total \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Account No. \_\_\_\_\_ Bank Routing No. \_\_\_\_\_

a. Endowment: for Long-Term Management Subtotal \$ \_\_\_\_\_

b. Habitat Enhancement Subtotal \$ \_\_\_\_\_

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ \_\_\_\_\_

2. Letter of Credit Subtotal \$ \_\_\_\_\_

1. Financial Institution: \_\_\_\_\_

2. Letter of Credit Number: \_\_\_\_\_

3. Date of Expiration: \_\_\_\_\_

<b>ACCOUNTING OFFICE USE ONLY</b>	
Description	FI\$Cal Coding
Speedchart (Project, Program, Reference, Fund)	
Reporting Structure	
Category	
Date Established: _____ By: _____	