

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**South Coast Region 5**  
**3883 RUFFIN ROAD**  
**SAN DIEGO, CA 92123**



**AMENDMENT NO. 1**  
**(A Major Amendment)**  
**California Endangered Species Act**  
**Incidental Take Permit No. 2081-2018-065-05**  
**Strauss Wind LLC STRAUSS WIND ENERGY PROJECT**  
**SANTA BARBARA COUNTY**

## **INTRODUCTION**

On April 13, 2020, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-065-05 (ITP) to Strauss Wind LLC (Permittee) authorizing take of Gaviota tarplant (*Dienandra increscens* ssp. *villosa* (collectively, the Covered Species) associated with and incidental to the Strauss Wind Energy Project (SWEPP) in Santa Barbara County, California (Project). The Project as described in the ITP originally issued by CDFW includes the construction, operation, and maintenance of a wind farm, as well as implementation of a mitigation and monitoring program for all impacts to the natural resources caused by those activities. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

Subsequent to issuance of the ITP, it became apparent to CDFW that Condition of Approval 9.2 in the ITP, which requires 27 acres of off-site mitigation to occur on the Dangermond Preserve owned by The Nature Conservancy (TNC), must be revised and amended. There are several reasons: 1) The condition requires management of 27-acres of occupied Covered Species habitat, but the 27-acre off-site mitigation area depicted in Figure 6 of the ITP is not known to contain Covered Species. 2) Ground disturbing activities like the restoration actions proposed in Condition of Approval 9.2 may require California Coastal Commission approval, which cannot be certain to occur. 3) These developments also affect the financial security that Permittee provided, because the security was based in part on the costs of initial enhancement and long-term management of the 27-acre parcel identified in Figure 6 of the ITP. 4) The ITP describes the implementation of the off-site mitigation occurring on Dangermond. The condition requires finalization of a management plan for the off-site mitigation, and approval by CDFW and TNC of that plan, within six months of permit issuance. TNC indicated in an April 22, 2020 letter to the Permittee that it would not be possible to finalize its approvals and agreement to conduct mitigation on the Dangermond Preserve within the six month timeframe, and that TNC reserves the right not to allow mitigation activities to occur on the Dangermond Preserve.

Rev. 2013.1.1

As a result of the impossibility of implementing the mitigation as drafted in the April 2020 ITP due to the reasons described above, CDFW requested the Permittee apply for a Major Amendment to: 1) document additional avoidance measures in the project description; 2) minimize take of, and reduce indirect impacts to, Covered Species; 3) delete and replace Condition of Approval 9.2 (the off-site mitigation); and 4) make additional conforming changes to other Conditions of Approval throughout the ITP that resulted from the proposed changes. CDFW received the Major Amendment request required on May 20, 2020.

In addition, after discussions with Project Area landowners, representatives, land managers and Permittee, subsequent to issuance of the ITP, CDFW determined that it was appropriate to establish additional performance milestones to enable Covered Activities to continue, commensurate with mitigation implementation.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

1. Amends the project description to document grading footprint changes and a reduction in direct take of Covered Species by micro-siting of turbines and modifications to access roads and the laydown yard.
2. Amends the impacts of the taking on Covered Species due to micro-siting of turbines and modifications to access roads and the laydown yard.
3. Amends the impact analysis to reflect micro-siting of turbines and modifications to access roads and the laydown yard.
4. Amends Condition of Approval 6, General Provisions, to clarify requirements of measures.
5. Amends Condition of Approval 7, Monitoring, Notification, and Reporting Provisions, as needed to improve compliance reporting and conform to modified off-site mitigation requirements.
6. Modifies Condition of Approval 8, Minimization Measures, as needed to reflect Project footprint modifications.
7. Amends Condition of Approval in 9, to remove and replace Condition of Approval 9.2, and to modify other provisions to reflect modified off-site mitigation requirements.
8. Amends Condition of Approval 10, Performance Security as required by changes to Condition of Approval 9 and to establish performance milestones in support of successful mitigation implementation.
9. Amends the Mitigation Monitoring and Reporting Program (MMRP).
10. Deletes Attachment 7, the Off-Site Management Plan.
11. Adds Attachment 9, Map: Pre-Construction Surveys for Special Status Plants with Phasing (5/20/2020).
12. Adds Attachment 10, Gaviota Tarplant Max Extent Buffer – Map of 2019, 2018, and CNDDDB occurrences within 50-meter Buffer.

## AMENDMENT

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

1. The Project Description is amended as follows:

A. The second paragraph on page 8, in the Phase 1) Construction section of the ITP Project Description, is amended to the read:

The Project will be constructed in one phase to achieve the full generating capacity. Permittee intends to complete construction before ***Spring 2021***. According to the preliminary grading plan, cut and fill volumes up to ***964,255*** ~~968,633~~ cubic yards will be required for all Project earthwork. All grading will be subject to a final, approved grading and erosion control plan to minimize erosion and ensure adequate slope stabilization.

B. The second paragraph on page 9, in the Phase 3) Mitigation, Monitoring, and Adaptive Management section of the ITP Project Description, is amended to read:

Permittee proposes to place a conservation easement(s) over the area shown in green outlined in Figure 3. (See Condition of Approval 9 to this ITP.) This area will contain onsite preserve areas for the following sensitive resources and species including the following: wetland mitigation (8.43 acres), native grassland mitigation (***60.5*** ~~50.4~~ acres), Gaviota tarplant (***208.8*** ~~204.4~~ acres), Gaviota tarplant critical habitat (***674.9*** ~~675.5~~ acres), horkelia mitigation (5.30 acres), ocellated Humboldt lily mitigation (0.085 acre), black-flowered figwort mitigation (0.073 acre), and oak tree mitigation (an undetermined/unreported number of acres). Permittee will establish a non-wasting endowment to ensure the long-term maintenance and monitoring occurs such that it will pay for management actions that maintain the functions and services of the mitigation sites in perpetuity.

C. The first paragraph of page 10, in the Phase 3) Mitigation, Monitoring, and Adaptive Management section of the ITP Project Description, is amended to read:

~~A Technical Advisory Committee (TAC) will be established to oversee and guide the decisions regarding monitoring and managing Gaviota tarplant and other sensitive resources in the preserve areas as part of the minimization and mitigation measures for the Project. The TAC will be comprised of members from the land management organizations, resource agencies (e.g., U.S. Fish and Wildlife Service, CDFW), and scientific experts (i.e., academic faculty, researchers, geneticists, entomologists, ecologists, conservation biologists). The TAC will guide management, monitoring, and planning activities during the adaptive management program. The TAC will meet annually to review actions taken in the previous year, approve a work plan for the next~~

~~year, and make any changes to the adaptive management plans, provided that such modifications are consistent with this ITP and the approved conservation easement(s). The TAC will review the status of each of the individual monitoring plans (discussed below and in the various monitoring and management plans) and guide the adaptive management plans.~~

***The Permittee shall establish a Tarplant Management Group (TMG) that is made up of the Technical Advisory Committee (TAC) (see Conditions of Approval 7.9 and 9 of this Amended ITP for roles and responsibilities of the TAC) and the Gaviota Tarplant Range-Wide Management Team (GTRMT) (see Condition of Approval 9 of this Amended ITP for roles and responsibilities of the GTRMT). The TMG will be made up of representatives of CDFW and the U.S. Fish & Wildlife Service (Service), Covered Species experts, and land managers who own/manage lands with Covered Species occurrences range wide. The TMG will function as the governing board overseeing both the on- and off-site mitigation actions, subject to final CDFW approval of mitigation actions. Final membership of the TMG must be approved in writing by CDFW by July 13, 2020.***

2. Impacts of the Taking on Covered Species is amended as follows:

A. The second paragraph, on page 12, in the Impacts of the Taking on Covered Species section of the ITP is amended to read:

The population genetics of Gaviota tarplant have not been assessed, meaning it is not clear if certain populations contain much higher or lower genetic diversity than other populations. The importance of conserving genetic diversity throughout the species range is critical to ensuring long-term survival and management of this Covered Species. Loss of populations with high genetic diversity could inhibit recovery efforts. Project associated genetic erosion and loss of genetic diversity is a concern due to the direct loss of **130,791 to 701,857** ~~132,476 to 830,474~~ individuals from the Project and indirect affects to an estimated **3,966,633 to 5,098,171** ~~4,685,721 to 4,924,635~~ individuals.

3. Impact Analysis is amended as follows:

A. The third and fourth paragraphs on page 13, in the Impact Analysis section of the ITP is amended to read:

Direct impacts include the physical grading and crushing of plants and seed, removal of soil containing Gaviota tarplant seed, and compaction of soils adjacent to Project features. Direct impacts are expected to impact **23.16** ~~27.0~~ acres and **130,791 to 701,857** ~~132,990 to 830,474~~ individuals.

Total take and related impacts of the taking are expected to occur over **215.28**

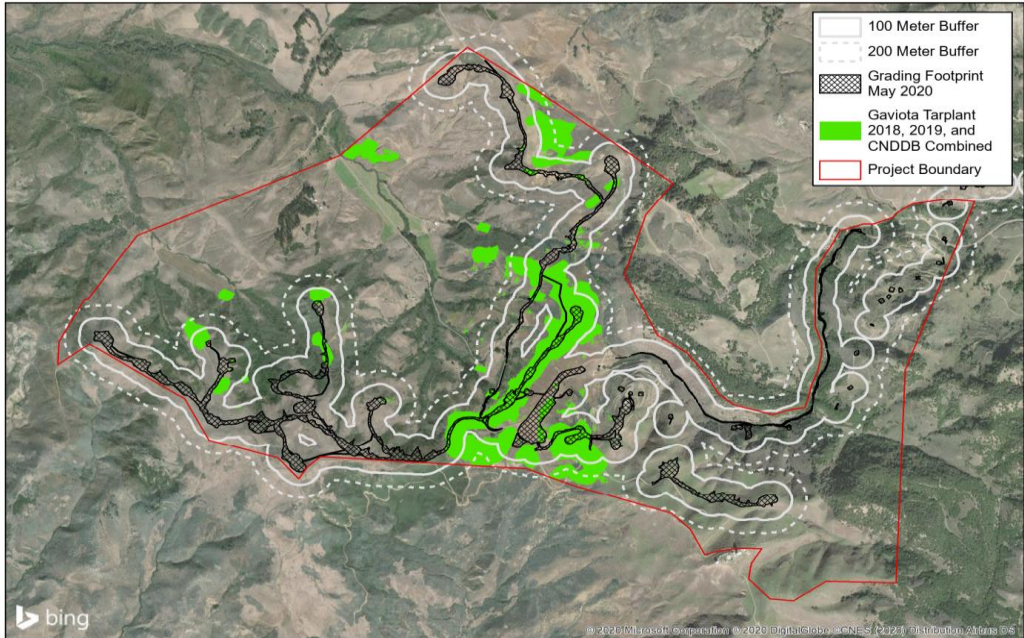
~~214.89~~ acres (direct and indirect added together) and impact a maximum of **4,668,490 to 5,228,961** ~~4,685,721 to 4,924,635~~ individuals (direct and indirect added together).

B. The sixth paragraph on page 13, in the Impact Analysis section of the ITP is amended to read:

Specific to wind turbine generated turbulence impacts to the Covered Species; Covered Species individuals are expected to be impacted by altering the laminar wind flow layers (under positive lapse rates enhanced vertical air mixing mixes warm air down and cold air up, leading to a warming near the surface or in an unstable atmosphere with negative lapse rate, i.e., cool air lying over warmer air, turbulent wakes mix cool air down and warm air up, producing a cooling near the surface), fog dispersal, and physical drying (desiccation) of plants within the wake zone (See Figure 5 below). Indirect impacts cumulatively are estimated to occur on **192.12** ~~214.89~~ acres of Covered Species habitat and seed bank and a range of **3,966,633 to 5,098,171** ~~4,685,721 to 4,924,635~~ individuals.

C. Figure 4 on page 14, in the Impact Analysis section of the ITP is replaced with the following revised Figure 4:

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



D. Table 2 (showing impacts to Covered Species) on page 15, in the Impacts Analysis section of the ITP is amended to read:

**Table 2.** Impacts to Covered Species

Gaviota Tarplant	Maximum Acres Gaviota Tarplant	Direct impacts	Indirect Impacts 0 to 200-meter buffer plus wind turbulence	total impacts (direct and indirect)
combined Acres (2018, 2019 and CNDDB combined acres)	232	23.16 27	192.12 187.89	215.28 214.89

Range* of Individuals (2018 and 2019 data in individuals)	6,039,777 (2018) - 4,864,968 (2019)	<b>701,857 (2018) - 130,791 (2019)</b> <del>830,476</del> <del>132,990</del>	<b>5,098,171 (2018)- 3,966,633 (2019)</b> <del>3,855,245</del> <del>4,791,637</del>	<b>5,228,961 (2018) -4,668,490 (2019)</b> <del>4,685,721</del> <del>4,924,635</del>
Percentage* (%) of acres (2018, 2019 and CNDDDB)		<b>9.98%</b> <del>11.64</del>	<b>82.81%</b> <del>80.9</del>	<b>92.79%</b> <del>92.6 percent</del>
Percentage* (%) of Individuals (2018/2019 in percentages)		<b>2.17% (2019) – 14.43% (2018)</b> <del>2.2-17.1</del>	<b>81.53% (2018)- 84.41% (2019)</b> <del>79.2-79.3</del>	<b>86.58% (2019) – 95.96 % (2018)</b> <del>81.5-96.3 percent</del>

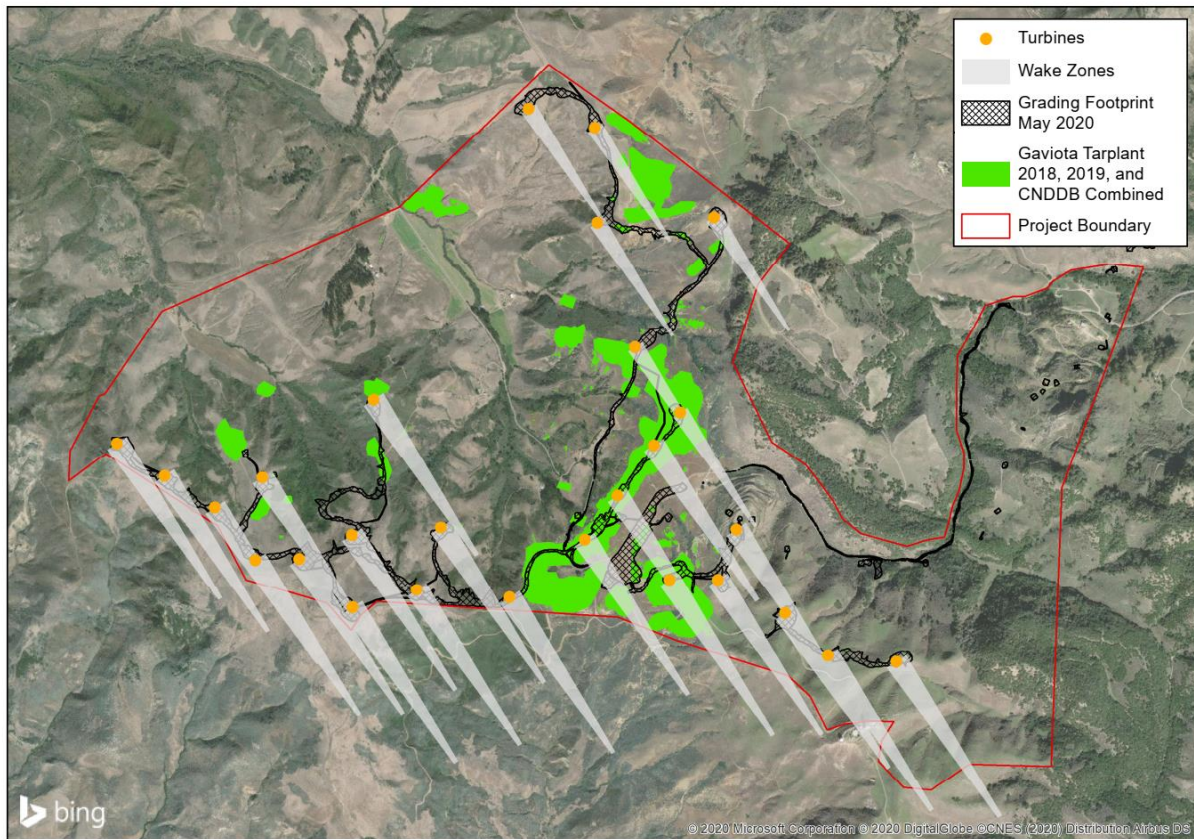
<sup>4</sup> The 200-meter boundary from the grading footprint is weighted given more impacts will occur closer to Project features and turbine plumes and decrease with distance. This assessment is based on the best available scientific information and includes exhaustive review of over 70 references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

\* Ranges calculated using CNDDDB occurrence data from 2018 and 2019. Total number of individuals counted on site in 2018 were 4,864,968 and total individuals counted in 2019 were 6,039,777. Direct impacts to the 2018 population was calculated to 701,857 individuals and 2019 population was calculated to 130,791 individuals. Indirect impacts to the 2018 population was calculated to 3,966,633 individuals and 2019 population was calculated to 5,098,171 individuals.

E. Figure 5 on pages 16-17, in the Impacts Analysis section of the ITP is replaced with the following revised Figure 5:

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





Map Production:  
CDFW May 20th, 2020

### Wind Turbine Wake Zones



#### 4. Condition of Approval 6, General Provisions, is amended as follows:

A. Condition of Approval 6.6, on page 20, in the General Provisions section of the ITP is amended to read:

6.6. Construction Monitoring Notebook. The Designated Botanist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project Site **or electronically** upon request by CDFW.

B. Condition of Approval 6.11, on page 21, in the General Provisions section of the ITP is amended to read:

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6.11. Pre-Construction Surveys. The approved Designated Botanist shall ~~conduct~~ **implement** appropriately timed pre-construction surveys for sensitive native plant species in all areas to be disturbed, including power pole locations and access roads **Covered Species, following survey protocols approved in advance in writing by CDFW, within the grading footprint for wind facilities plus a 50-meter buffer**. The areas will be marked and avoided until confirmed any potential impact is consistent with ~~this ITP consultation with the Service~~ and any other permits.

**6.11.1. Pre-construction surveys shall be completed prior to initiation of Covered Activities involving ground disturbance (including silt fence installation or fencing per Conditions of Approval 6.13 and 6.14) or vegetation clearance for construction of each of the permitted facilities. Pre-construction surveys shall be completed according to the "Pre-Construction Surveys for Special Status Plants with Phasing (5/20/2020)" map created by Dudek and included as Attachment 9 of this ITP. Note that Attachment 9 is included to show the general survey area, but surveys shall be completed within the entire 50-meter buffer zone. Pre-construction survey results shall be submitted to CDFW prior to the commencement of construction activities. Permittee shall obtain CDFW's written concurrence to the acceptability of each phase of surveys prior to commencement of construction activities within the surveyed area.**

5. Condition of Approval 7, Monitoring, Notification, and Reporting Provisions, are amended as follows:

A. Condition of Approval 7.5 on page 23, in the Monitoring, Notification, and Reporting Provisions section of the ITP is amended to read:

7.5. Compliance Monitoring and Weekly Status Reporting. The Designated Botanist shall be on-site daily when Covered Activities occur. The Designated Botanist shall conduct compliance inspections to: 1) minimize incidental take of the Covered Species; 2) prevent unlawful take of species; 3) check for compliance with all measures of this ITP; 4) check all exclusion zones; and, 5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Botanist shall prepare daily written observation and inspection records that summarizes: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. **The Designated Representative or Designated Botanist shall provide CDFW with weekly status updates that include:**

***updated mapping of weekly construction activities, oversight activities and compliance inspections, observations of Covered Species, survey results, monitoring activities, issues requiring corrective measures, including remedial actions and issue resolution, along with a copy of the MMRP table with notes showing the current implementation status of each minimization and mitigation measure required by this ITP.***

- B. Condition of Approval 7.9 on page 24, in the Monitoring Notification and Reporting Provisions section of the ITP is amended to read:

**7.9. *Scientific and Management Groups: Convening, Roles, Annual Reports.***  
**Annual Technical Advisory Committee Report.** Permittee shall convene the ***Tarplant Management Group (TMG), which is made up of the*** Technical Advisory Committee (TAC) ***and the Gaviota Tarplant Range-wide Management Team (GTRMT),*** further described in Conditions of Approval ***9, 9.1.45, and 9.2.1.***

- Permittee shall facilitate the TAC to provide an annual report, commencing with the year impacts to Covered Species begin, that summarizes the activities performed each year to manage and monitor the Covered Species, a list of recommendations for the current year, and any recommendations for adaptive management. This report shall also include a description of the funding allocated for these management and monitoring activities.
- ***The TAC, further described in Condition of Approval 9.1.5, shall oversee and make recommendations regarding monitoring and managing the Covered Species and other sensitive resources in the onsite preserve areas as part of the minimization and mitigation measures for the Project. The TAC shall review the status of each of the individual monitoring and management plans (discussed below) and guide the implementation of the adaptive management plan. The TAC shall guide management, monitoring, and planning activities during the Adaptive Management Plan.***
- ***The GTRMT shall oversee the implementation of the off-site mitigation under the CSRMP. The GTRMT shall be comprised of land manager(s) associated with the on-site mitigation, local conservation groups, land owners or managers who manage lands with Covered Species occurrences, the Service, CDFW, and scientific experts (i.e., academic faculty, researchers, geneticists, entomologists, ecologists, conservation biologists).***

- ***The TMG shall meet annually to review actions taken in the previous year, approve a work plan for the next year, and make any changes to the adaptive management plans, provided that such modifications are consistent with this ITP and the approved conservation easement(s).*** ~~further described in Condition of Approval 9.1.1.~~

6. Condition of Approval 8, Minimization Measures, is amended as follows:

A. Condition of Approval 8.1 on page 25, in the Minimization Measures section of the ITP is amended to read:

8.1. Construction Fencing/Barrier. Permittee shall install fencing to clearly delineate the limits of grading/impact and the boundary of the Conserved Gaviota Tarplant Mitigation Lands (See Condition of Approval 9.1). The signs shall read "Sensitive Habitat Beyond this Sign. No Ground Disturbance or Vegetation Clearing." Permittee shall maintain and/or replace these signs and fencing as necessary. During operations and maintenance, no additional impacts may occur in the Conserved Gaviota Tarplant Mitigation Lands ***except as authorized in the MMLMP and GTEP (Condition of Approval 8.13) and described in Condition of Approval 9).***

B. Condition of Approval 8.4 on page 25 to 26, in the Minimization Measures section of the ITP is amended to read:

8.4. Building Footprints. The site development shall be built in the location and size identified in the ITP application, as modified by information submitted to CDFW on ~~March 13, 2020~~ **May 30, 2020**. Prior to commencement of Covered Activities, Permittee shall submit to CDFW 100 percent engineering drawings of the facilities described in the Project Description. Plans shall be full size (24 in x 36 in). In comparison to the ITP application, the March 13, 2020 transmittal depicted removal of turbines N-5 and W-1 and associated spur roads from Gaviota tarplant habitat, micro-siting turbine N-6 outside of Gaviota tarplant habitat, and reduction to the turbine pads for N-1, N-2, N-3, N-4, E-1. Any subsequent changes to the building location and/or size shall be approved in ***advance in*** writing by CDFW. At the time of issuance of the ITP, the specific locations of 27 turbines are known and shown in the map included as Figure 2, above. If the remaining 2 turbines are sited in locations where CDFW confirms that no direct or indirect impacts to Covered Species will occur, Figure 2 may be updated to show the locations of the remaining 2 turbines without formal amendment.

7. Condition of Approval 9, Habitat Management, Land Acquisition and Restoration, is amended as follows:

- A. Condition of Approval 9 on pages 28-29, in the Habitat Management, Land Acquisition, and Restoration section of the ITP is amended to read:

**9. Habitat Management Land Acquisition and Restoration:**

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

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

- Direct impacts to **23.16** ~~27~~ acres of occupied habitat;
- Direct impact **impacts** to between **130,791 and 701,857** ~~132,990 and 830,476~~ individuals;
- Indirect impacts to up to **192.12** ~~487.89~~ acres (includes buffer area and wind turbulence area); Indirect impacts to up to **3,966,633 to 5,098,171** ~~3,855,245 to 4,791,637~~ individual plants;
- Direct impact **impacts** to **23.16** ~~27~~ acres of Covered Species seed bank; and,
- Indirect impacts to **192.12** ~~244.89~~ acres of Covered Species seed bank within the Conserved Gaviota Tarplant Mitigation Lands.

CDFW has determined that the following compensatory habitat mitigation lands (HM lands) **and species management actions** are necessary to meet the fully mitigated standard: 1) on-site preservation, enhancement, and management of **208.8** ~~204.4~~ acres of Covered Species occupied habitat and an additional 200-meter buffer surrounding the occupied habitat, and a minimum of **5,831,648** ~~5,906,784~~ individuals; and 2) off-site restoration, enhancement, and management of **23.16** ~~27~~ acres of **Covered Species** occupied habitat **or alternative species management actions approved in advance in writing by CDFW to provide an equivalent Covered Species benefit**. To meet this requirement, Permittee shall do all of the following:

**Tarplant Management Group. The Permittee shall establish a Tarplant Management Group (TMG) that is made up of the Technical Advisory Committee (TAC) and the Gaviota Tarplant Range-Wide Management Team (GTRMT). The TMG will function as the governing board overseeing both the on- and off-site mitigation actions, subject to final approval by CDFW. Final membership of the TMG must be approved in writing by CDFW by July 13, 2020. The TMG will**

***function as the coordinating task force that will track both the on- and off-site mitigation actions and identify areas of overlap and opportunities for coordination between scientific and management actions on- and off-site.***

***Covered Species' Range-wide Management Plan (see Condition of Approval 9.2). Permittee shall fund the development and implementation of a Covered Species Range-Wide Management Plan (CSRMP) to address the critically imperiled status of the Covered Species and to ensure off-site restoration, enhancement, acquisition, monitoring and management of the Covered Species range-wide.***

- ***Goals and Objectives of the CSRMP, MMLMP, and GTEP (Condition of Approval 9.1.1).*** The goals and objectives of the MMLMP, GTEP, and CSRMP shall be consistent with the conditions of this ITP and shall be further developed in the MMLMP, GTEP, and CSRMP. The purpose of the TMG, GTRMT, and TAC is to guide the implementation of the MMLMP, GTEP, and CSRMP and, to the extent they are consistent with this ITP, these plans shall be the fundamental documents for use by the TMG, GTRMT, and TAC.
- ***Recommendations.*** Permittee, CDFW, and the Service shall work collaboratively to identify TMG, GTRMT, and TAC member agencies/entities that have a long-term stake in the implementation of the MMLMP, GTEP, and CSRMP. This generally includes botanical experts, other scientists with relevant expertise (e.g., geneticists) and land managers/conservancies. Members of the MMLMP, GTEP, and CSRMP shall generate mitigation and/or management recommendations that have been approved through a group consensus. Recommendations shall be submitted to CDFW and the Service, who will approve/disapprove based on the consistency of the actions with the requirements of the ITP and Biological Opinion.
- ***Establish Roles and Responsibilities.*** By August 15, 2020 the Permittee shall provide an executed MOU signed by the members of the TMG that clearly identifies the roles and responsibilities of each representative. The MOU shall state that nothing in the MOU modifies or delegates CDFW's authority under this ITP to make final determinations regarding the adequacy of mitigation actions. The MOU shall clearly outline the following issues:
  - ***Identify an entity/individual of the TMG to act as the facilitator of all TMG, GTRMT, and TAC meetings.***
  - ***Identify the entity to act as the financial planner, whose role it is to track the finances of the fund and report to the TMG.***



- ***Identify the entity responsible for reporting and describe the requirements of reporting to and from the TMG, GTRMT, and TAC.***
- ***Identify meeting protocols and meeting frequency, for each group, and basis and protocols for subgroups or ad hoc groups.***
- ***Identify the process for resolving conflicts between representatives to reach group consensus on recommendations.***
- ***Identify the process for selecting replacement representatives.***

B. The first paragraph in Condition of Approval 9.1 on pages 29-30, in the Habitat Management Land Acquisition and Restoration section of the ITP are amended to read:

9.1. On-site Mitigation. Permittee shall cause a conservation easement(s) to be recorded that covers no less than: 1) **208.8** ~~204.4~~ acres of Covered Species occupied habitat not being directly graded, in the Project Area, and 2) minimum 200-meter buffers and pollinator habitat. Figure 3, above, identifies the currently anticipated Conservation Area that totals 1,946 acres and is herein defined as Conserved Gaviota Tarplant Mitigation Lands. The conservation easement(s) shall include a 200-meter buffer around occupied Covered Species habitat. If, in finalization of the conservation easement(s) a 200-meter buffers is not possible in a specific location due to existing uses (e.g., pre-existing land use, property boundaries), with CDFW approval additional monitoring and/or management measures shall be implemented through the MMLMP to provide adequate protection of the Covered Species habitat from impacts. Additional measures may include but are not limited to; 1) additional invasive species removal, 2) additional Argentine Ant monitoring, 3) additional invasive plant species monitoring, and 4) fencing. These additional measures shall be discussed and vetted by the Land Manager and included in the final MMLMP prior to recording the conservation easement(s).

C. Condition of Approval 9.1.2 on page 31, in the Habitat Management, Land Acquisition, and Restoration section of the ITP is Amended to read:

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

**Goal 1:** Conserve **208.8** ~~204.4~~ acres of Covered Species-occupied habitat and **5,831,648** ~~5,906,784~~ individuals in perpetuity.

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

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

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

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

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

**Goal 7:** Provide adequate funding for in-perpetuity management of **208.8** 204.4 acres and **5,831,648** 5,906,784 individuals **within the Mitigation Lands.** ~~the preserve and 27 acres on Dangermond Preserve.~~

D. Condition of Approval 9.1.3 on pages 31-32, in the Habitat Management, Land Acquisition, and Restoration section of the ITP is amended to read:

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

- Quantitative Field Data. Quantitative field data shall be used to study variability in the Gaviota tarplant populations, to evaluate the effectiveness of management activities, to provide an off-site reference for the Tranquillon Mountain/Sudden Peak occurrence, and to assess the need for additional management. Data from on-site and offsite populations will also be viewed holistically to help inform management of the species range wide.
- Quantitative Success Criteria. Quantitative success criteria shall be established including measures of Gaviota tarplant cover and presence of non-native species thought to negatively affect Gaviota tarplant success.
- Long-term Performance Standards. Long-term performance standards shall include, but not be limited to, criteria such as maintaining the **208.8** 204.4 acres to limit invasive species to the maximum extent feasible or demonstrating suitable habitat characteristics as defined in the Habitat Characterization Study. All monitoring and management activities will be designed and implemented with the objective of achieving the success

criteria.

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

E. Condition of Approval 9.1.14 on page 37, in the Habitat Management, Land Acquisition, and Restoration section of the ITP is amended to read:

9.1.14. Atmospheric Moisture/Soil Hydrology Monitoring Plan. ***Before December 31, 2020,*** ~~Within 3 months of initiating wind energy production,~~ Permittee shall obtain CDFW approval of an Atmospheric Moisture/Soil Hydrology Monitoring Plan. The Permittee shall monitor atmospheric moisture, including fog layer, and soil hydrology on the conservation lands. This monitoring shall occur annually for the first five years of Project operations and continue on a frequency as determined appropriate by the TAC. This monitoring shall be designed as a study, with controls, methods, data management, so that the monitoring and analysis is repeatable. Soil moisture monitoring shall measure any Project induced changes to sub-surface hydrology, with particular focus on soil restrictive layers. Decline in fog layer or atmospheric moisture from turbines, or subsurface hydrology shall trigger adaptive management to address deficiencies.

F. Condition of Approval 9.1.15 on page 37, in the Habitat Management, Land Acquisition, and Restoration section of the ITP is amended to read:

9.1.15 On-site Gaviota Tarplant Quantitative and Qualitative Monitoring. Within 6 months of ITP issuance, the Permittee shall obtain CDFW approval of Quantitative and Qualitative Monitoring Plans for the Conserved Gaviota Tarplant Mitigation Lands. Permittee shall submit a plan for review and approval that includes the monitoring of Gaviota Tarplant phenology, erosion, seed dispersal, invasive species, preserve condition, and photo documentation. This plan shall also include qualitative Argentine ant monitoring, to augment the quantitative Argentine ant monitoring required by Condition of Approval 9.1.12. Monitoring shall occur annually from year one to year three following CDFW approval of the plan and shall be repeated every two years from year four to year 10, and once every five

years thereafter. Permittee shall conduct qualitative monitoring in the years quantitative monitoring does not occur. This measure will ensure a minimum of ~~208.8~~ 204.4 acres of Covered Species occupied habitat and ~~5,831,648~~ 5,906,784 Covered Species individuals continue to occur on the Conserved Gaviota Tarplant Mitigation Lands. Any decline (cumulative or from any two seasons) shall trigger adaptive management measures to correct the cause of the decline.

G. Condition of Approval 9.2 on pages 42-49, in the Habitat Management, Land Acquisition, and Restoration section of the ITP is deleted in its entirety and replaced:

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

~~9.2.1. Mitigation Lands Management. The Dangermond Preserve is owned and managed by The Nature Conservancy. The Dangermond Preserve Off-site Mitigation Lands shall be managed in perpetuity, consistent with this ITP and the approved interim and long-term management plan. The overall management goal is to provide for the long-term protection and sustainability of the Gaviota tarplant, including its seedbank and pollinator(s) within the 27 acres of Dangermond Preserve Off-site Mitigation Lands, in perpetuity.~~

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

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

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

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

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

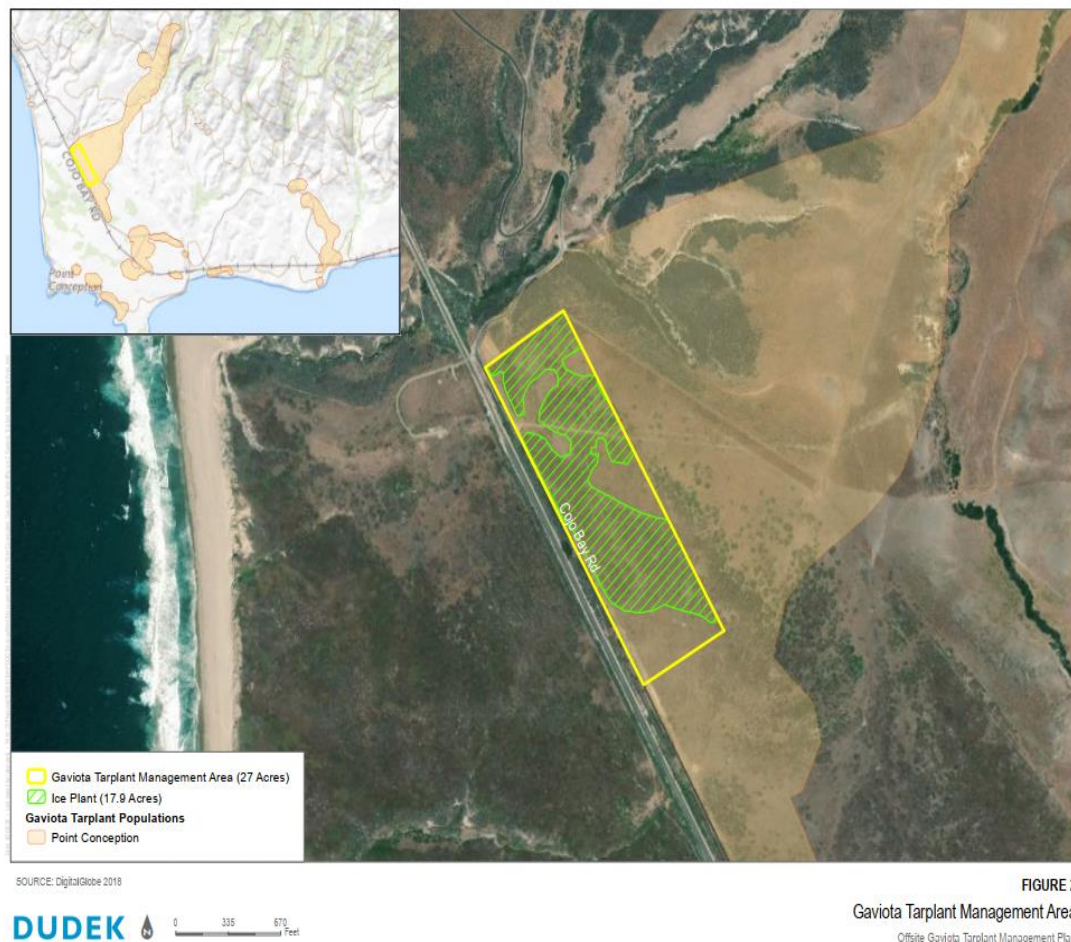
~~**Goal 5:** Monitor conditions within the Mitigation Lands for potential deleterious effects (e.g., invasive weeds, erosion).~~

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

~~9.2.1.2. Land Manager(s). Permittee shall designate both an interim and long-term land manager approved in advance in writing by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW prior to subsequent changes in the land manager and obtain CDFW's advance written approval of the new land manager.~~

~~9.2.1.3. Start-up Activities. Permittee shall provide for the implementation of start-up activities, including the initial enhancement of the Dangermond Preserve Off-site Mitigation Lands, once the Dangermond Preserve Off-site Mitigation Lands have been approved by CDFW. Start-up activities include, at a minimum: 1) preparing final land management plan for CDFW approval (see Condition of Approval 9.2); 2) conducting a baseline biological assessment; 3) developing and transferring Geographic Information Systems (GIS) data if applicable; 4) establishing initial fencing, if applicable; 5) conducting litter removal; 6) conducting initial habitat restoration or enhancement, and; 7) installing signage, if applicable;~~



**Figure 6** Off-Site Mitigation Area

**9.2.1.4. Interim Management (Initial and Capital).** Permittee shall provide for the interim management of the Dangermond Preserve Off-site Mitigation Lands. The Permittee shall ensure that the interim land manager implements the interim management of the Dangermond Preserve Off-site Mitigation Lands as described in the final land management plan approved by CDFW. The interim management period shall be a minimum of three (3) years from the date of Dangermond Preserve Off-site Mitigation Lands land management plan approval and full funding of the Dangermond Endowment and includes expected management following start-up activities. Interim management period activities described in the final land management plan shall include fence repair if applicable, continuing trash removal, invasive species assessment and

~~treatment. Permittee shall either: 1) provide a security to CDFW for the minimum of three years of interim management that the Permittee or interim land manager agrees to manage and pay for at their own expense; 2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance; or, 3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the interim land manager.~~

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

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

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

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

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

~~9.2.3. Dangermond Preserve Off-Site Mitigation Lands Endowment Funding. Permittee shall be responsible for funding the perpetual management of the Dangermond Preserve Off-Site Mitigation Lands as described in this condition. Permittee shall ensure that the Dangermond Preserve Off-Site Mitigation Lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP and the final land management plan approved by CDFW. After obtaining CDFW approval of the Dangermond Preserve Off-Site Mitigation Lands land management plan, Permittee shall provide long-term management funding for~~

~~the perpetual management of the Dangermond Preserve Off-Site Mitigation Lands by establishing a long-term management fund (Dangermond Endowment). The Dangermond Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the Dangermond Preserve Off-Site Mitigation Lands consistent with the final long-term land management plan required by Condition of Approval 9.2. Dangermond Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Dangermond Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. Permittee shall obtain CDFW's written approval of any agreement governing the management, investment, or expenditure of the Dangermond Endowment.~~

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

~~9.2.4. Identify a Dangermond Endowment Manager. The Dangermond Endowment shall be held by the Dangermond Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Dangermond Endowment Manager; (ii) whether the proposed Dangermond Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Dangermond Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Dangermond Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written~~

determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).

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

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

9.2.5.2. ~~Dangermond Endowment Buffers/Assumptions.~~ Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Dangermond Endowment:

9.2.5.2.1. ~~10 Percent Contingency.~~ A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

9.2.6. ~~Transfer Long-term Dangermond Endowment Funds.~~ Permittee shall transfer the long-term endowment funds to the Dangermond Endowment Manager upon CDFW approval of the Dangermond Endowment Deposit Amount identified above. The approved Dangermond Endowment Manager may pool the Dangermond Endowment with other endowments for the

~~operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each endowment. The Dangermond Endowment Manager shall, at all times, hold and manage the Dangermond Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.~~

***9.2. Covered Species' Range-Wide Management Plan (CSRMP). Permittee shall fund the development and implementation of a CSRMP to address issues contributing to threats to the Covered Species and to incorporate conservation action(s) into the MMLMP and GTEP to ensure off-site restoration, enhancement, acquisition, monitoring and management of the Covered Species range-wide. The CSRMP shall incorporate the monitoring and management actions required on-site by Amended Condition of Approval 9.1. Additional, off-site activities shall focus on, but are not limited to, the known populations in Table 1. The CSRMP must be submitted to CDFW and the Service with sufficient time to allow for review and comment. The Permittee shall address all comments from CDFW and the Service, finalize the document, and fully fund the CSRMP by October 13, 2020.***

***The purpose of the CSRMP is to implement the plan in a manner that allows for the acquisition, restoration, recordation of a CDFW-approved conservation easement, and perpetual management of 23.16 acres of occupied Gaviota tarplant habitat or approximately 130,790 to 699,020 individuals of the Covered Species, or in the alternative, to implement actions identified in the CSRMP and approved by CDFW to provide the equivalent Covered Species benefit on a range-wide basis. The TMG and GTRMT, in consultation of CDFW and the Service, shall describe in the CSRMP what actions (e.g., restoration, enhancement, acquisition, management activities) are equivalent to the replacement of 23.16 acres of habitat directly impacted by the construction of the Project.***

**Management Goals:**

***Goal 1: Establish and fund a Gaviota Tarplant Range-Wide Management Team (GTRMT) to identify and prioritize actions necessary for the range-wide conservation of the Covered Species. These actions include, but are not limited to assessment, management, and enhancement of Covered Species (see Amended Condition of Approval 9.2.1).***

***Goal 2: Provide for baseline range-wide Covered Species assessments/surveys at all known sites containing existing Covered***



***Species' populations, to the extent feasible and where site access can be obtained (see Amended Condition of Approval 9.2.2).***

***Goal 3: Provide for post baseline surveys and scientific studies on currently known and subsequently identified occupied Covered Species' habitat to capture range-wide occurrence and population data to the extent feasible and where site access can be obtained (see Amended Condition of Approval 9.2.3).***

***Goal 4: Provide for the range-wide management, enhancement, and/or restoration of Covered Species (see Amended Condition of Approval 9.2.4). This goal includes a requirement to fund the acquisition, restoration, recordation of a CDFW-approved conservation easement, and perpetual management of 23.16 acres of occupied Gaviota tarplant habitat, or in the alternative, to implement actions identified in the CSRMP and approved by CDFW to provide the equivalent Covered Species benefit on a range-wide basis.***

***Goal 5: Provide funding opportunities for known occurrences to enhance and restore current populations to assist in the conservation of Covered Species (see Amended Condition of Approval 9.2.5).***

***Goal 6: Establish a long-term seed storage collection for every known occurrence in each population throughout the range of Covered Species (see Amended Condition of Approval 9.2.6).***

***9.2.1 Gaviota Tarplant Range-wide Management Team (GTRMT). The Permittee shall facilitate and fund the creation of the GTRMT by July 13, 2020. The members of the GTRMT shall be comprised of landowners and parties with an interest in managing Covered Species within its range. CDFW shall have final approval of the GTRMT membership. The GTRMT shall meet a minimum of twice a year to discuss management and monitoring needs for the Covered Species and make recommendations for CSRMP implementation. Participation in actions identified in the CSRMP are at the discretion of the landowners or easement holders where those actions would occur and are Covered Activities under this ITP.***

***9.2.2 Range-wide Covered Species Baseline Assessments. The CSRMP funding shall support range-wide baseline assessment/surveys utilizing methods supported by the TMG. Baseline assessments shall be conducted on properties that authorize those activities. Survey methodology shall be approved by CDFW and shall be consistent***

*across all occurrences.*

**9.2.3 Covered Species Range-Wide Surveys and Scientific Studies.** *The CSRMP funding shall support, to the extent feasible, ongoing range-wide qualitative and quantitative studies utilizing methods supported by the TAC. Examples of surveys or scientific study activities the CSRMP may support include, but are not limited to: (1) providing funding for quantitative or qualitative surveys; (2) providing survey equipment; (3) funding genetic studies to known occurrences to ascertain taxonomic relationships; (4) providing funding for laboratory analysis; (5) providing a Qualified Biologist, to work closely with TMG to develop rigorous sampling procedures and protocols; and, (6) assisting in the assessment of the Covered Species population wide.*

**9.2.4 Enhancement and Restoration.** *The funding required by this condition shall be utilized to conduct range-wide meaningful restoration, enhancement, and/or acquisition on occupied Covered Species habitat. The CSRMP funding shall provide for the acquisition, restoration, recordation of a CDFW-approved conservation easement, and perpetual management of 23.16 acres of occupied Gaviota tarplant habitat, or in the alternative, implementation of actions identified in the CSRMP and approved by CDFW to provide the equivalent Covered Species benefit on a range-wide basis. Efforts shall be focused on populations and actions that provide significant benefit to the population. The primary funding objectives shall include restoration and enhancement of habitat, to the extent feasible, to increase off-site occurrences, and to augment population viability. Secondary funding objectives shall pursue acquisition of new occupied and/or potentially occupied Covered Species habitat. Examples of restoration and enhancement include but are not limited to: (1) direct funding of restoration of known occupied habitat; (2) providing matching funding for acquisition of known occupied habitat; and (3) direct or matching funding for acquisition of suitable habitat.*

**9.2.5 Provide for Collaborative Efforts to Combine Funding Opportunities for Additional Covered Species Conservation Measures.** *Where possible, the CSRMP funding shall be leveraged to combine with other known funding sources to enhance the protection of the Covered Species population range wide. For example, combining CSRMP funds with grant opportunities to acquire land that has the potential to be occupied by Covered Species.*

**9.2.6 Population-Wide Seed Storage.** *The CSRMP shall provide for seed collection from each occurrence identified in Table 1 of this ITP, and any*

***occurrences subsequently identified. Seed collection should result in at least 2,500 seeds (where adequate populations exist) stored in perpetuity at the U.S. Dept of Agriculture National Seed Storage Laboratory (NSSL). This will provide a total of at least 5,000 seeds in long-term storage for each currently known occurrence, consistent with Center for Plant Conservation Procedures.***

***9.2.7 Cost Estimates. CDFW has estimated the development and implementation costs of the CSRMP based on current information. Adjustments up or down to the following estimates may be required once the GTRMT is established and consulted and final CSRMP developed. Estimates provided by the Permittee are as follows:***

***9.2.7.1 Land Ownership. Table 1 provides a list of all the known populations and the land ownership status.***

***9.2.7.2 Funding. Permittee prepared an estimate of the initial administrative costs, surveys required, and ongoing annual costs, of reporting, management and monitoring activities outlined in the CSRMP required by Condition of Approval 9.2, for the management of the CSRMP, in perpetuity.***

***9.2.7.3 Fund Estimate. Management funding for the CSRMP is estimated at \$1,353,111. The funding amount is estimated initially for the purpose of providing Security to ensure implementation of CSRMP. The estimate includes enhancement funding as well as endowment funding for long term support of the TMG and GTRMT (See Replaced Attachment 7 – Cost Estimate for CSRMP).***

***9.2.7.4 Fund Manager. A fund manager shall be identified and approved by CDFW within 4 months of ITP issuance (August 12, 2020). The fund shall include sufficient funding to cover the cost of a trustee for administrative costs associated with allocating funds and administering the CSRMP.***

8. Condition of Approval 10, Performance Security, is amended as follows:

A. Condition of Approval 10.1 on page 49, in the Performance Security section of the ITP is amended to read:

10.1. **Security Amount.** The total Land Management Security shall be in the amount of ~~\$11,042,800.00~~ **11,739,351.00**. This total includes ~~\$5,512,800.00~~ **6,239,351.00** identified in Conditions of Approval 9.1 and 9.2 above and in GTEP and MMLMP

and a Land Acquisition Security in the amount of \$5,500,000. This amount is based on the fair market value of comparable properties that support Covered Species to secure the on-site mitigation prior to conservation easement(s) recording.

B. Condition of Approval 10.3 on page 49, in the Performance Security section of the ITP is amended to read:

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

C. Condition of Approval 10.7, on page 50, in the Performance Security section of the ITP is amended to read:

10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment ~~and the Dangermond Endowment Manager of its receipt of the full Dangermond Endowment~~ **written confirmation from the approved Fund Manager of full funding of the CSRMP; and,**
- **Full funding of interim management activities; and**
- Timely submission of all required reports.

D. Condition of Approval 10.7.1. on page 50, in the Performance Security section of the ITP is deleted:

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

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

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

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

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

E. Condition of Approval 10.8 on page 51, in the Performance Security is amended to read:

10.8. Even if Security is provided, Permittee must record all required conservation easement(s) for the Conserved Gaviota Tarplant Mitigation Lands, fund at least 50 percent of the final Endowment Deposit Amount, and fully fund the **development and implementation of the CSRMP**, ~~startup, initial costs, and~~ Dangermond Endowment for the Dangermond Off-site mitigation, no later than six months from the effective date of this ITP (**October 13, 2020**), and prior to the commencement of wind energy generation (**Spring 2020**). ~~CDFW may require Permittee to provide additional HM Lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if Permittee does not complete these requirements within the specified timeframe.~~

**10.8.1. In addition, Covered Activities, within those areas within known Covered Species habitat and a 50-meter buffer, as identified in Attachment 10 Gaviota Tarplant Max Extent Buffer – Map of 2019, 2018, and CNDDDB occurrences within 50-meter Buffer, may not commence until the following performance milestones are achieved and approved in writing by CDFW. These performance milestones supplement and refine other timeframes established in the ITP. Upon achievement of each performance milestone, Permittee shall submit for CDFW approval a map depicting the specific additional locations where Covered Activities will occur. The following performance**



***milestones support the successful implementation of mitigation and compliance with the ITP and allows Covered Activities and impacts to continue commensurate with mitigation implementation.***

- 10.8.2. To satisfy the Project's conditions of approval for the County of Santa Barbara, certain landowners in the Project Area granted conservation easements on APNs 083-090-001, 083-090-002, and 083-080-004 to the County of Santa Barbara. These easements cover property supporting approximately 24.9 percent of the known Covered Species on-site, and the grantees and County of Santa Barbara intend that the easements will be replaced with conservation easements as required by this ITP. Commensurate with this conservation, the Permittee is authorized to conduct Covered Activities impacting up to 5.76 acres of Covered Species habitat in the Laydown area and East String beginning on July 6, 2020.***
- 10.8.3. The financial security in the form of cash and letter of credit totaling \$1,353,111 has been received by CDFW prior to issuance of this Major Amendment No. 1. Commensurate with this performance obligation, Permittee is authorized to conduct Covered Activities impacting up to an additional 1.62 acres of Cover Species habitat in the Laydown area and East String being on July 6, 2020 (7.38 acres released cumulatively).***
- 10.8.4. Permittee shall provide the Grazing Management Plan (Condition of Approval 9.1.11) and a revised draft conservation easement(s) on or before July 10, 2020 for CDFW review and preliminarily approval. Permittee shall demonstrate that the draft conservation easement(s) and Grazing Management Plan is satisfactory to CDFW, the anticipated land manager, the Project Area landowners, and the anticipated grantee for the conservation easement(s), and includes a PAR (Condition of Approval 9.1.17) that includes funds for all the activities in the Grazing Management Plan. If this performance milestone is achieved and approved in writing by CDFW, Permittee may commence Covered Activities impacting up to an additional 1.4 acres of Covered Species habitat associated with the West String of the project (8.78 acres released cumulatively.).***
- 10.8.5. Permittee shall complete and submit the following on or before July 30, 2020 for CDFW review and approval:***
- a) Provide a revised MMLMP and GTEP (Conditions of Approval 9.1.1) and PAR (endowment estimate). Permittee shall demonstrate that the revised MMLMP and GTEP is satisfactory to***

***the anticipated land manager, Project Area landowners, and anticipated conservation easement(s) grantee;***

***b) Provide a revised draft conservation easement(s) for APNs 083-090-001, 083-090-002, and 083-080-004. Permittee shall demonstrate that the revised draft conservation easement(s) is satisfactory to the anticipated land manager, landowners of the subject APNs, and anticipated conservation easement(s) grantee; and***

***c) Provide CDFW with written confirmation that the initial TAC meeting was convened (Condition of Approval 9.1.5).***

***10.8.6. Once the requirements in 10.8.5 (a) through (c) above are met, and if Permittee causes the recordation of the conservation easement(s) on APN 083-100-007, 083-100-008, and 083-090-004 by August 12, 2020, Permittee may commence Covered Activities in the Area required to grade the Substation, N1, and N2, impacting no more than an additional 4.47 acres of Covered Species habitat (13.25 acres released cumulatively).***

***10.8.7. Permittee shall cause the recording of a conservation easement(s) for the remaining Project Area parcels, APNs 083-090-001, 083-090-002, and 083-080-004, and 083-090-003 by September 1, 2020. Upon achievement of this performance milestone and as approved in writing by CDFW, Permittee may commence Covered Activities impacting the remaining estimated 9.91 acres of impacts to Covered Species habitat associated with N3, N4 and N6 through N10 can be released (23.16 acres released cumulatively).***

***CDFW may require Permittee to provide additional HM Lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if Permittee does not complete these requirements within the specified timeframe.***

9. The MMRP as revised is attached.

10. Attachment 7, the Off-Site Management Plan, is deleted.

11. Attachment 9, Attachment 9, Map: Pre-Construction Surveys for Special Status Plans with Phasing (5/20/2020), is added.

12. Attachment 10, Gaviota Tarplant Max Extent Buffer – Map of 2019, 2018, and CNDDB occurrences within 50-meter Buffer is added.

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

## FINDINGS

*Issuance of this Amendment replaces the off-site mitigation required to fully mitigate the impacts, which was not feasible as written in the April 13, 2020 ITP, document changes to the grading footprint that decrease the amount of direct take of the Covered Species and increase the indirect impacts to Covered Species compared to the Project as originally approved. However, by implementing the new off-site mitigation proposal it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment reflects a change in the off-site mitigation, reduction in number of individuals/acres which will directly be impacted by Project activities, and an increase in potential indirect impacts associated with constructions and wind operations. This change in take assessment is based on (1) reduced direct impacts of construction; (2) increased indirect impacts associated with wind turbulence, edge effect and microclimate changes; (3) incorporation of new off-site mitigation requirements that include a range-wide conservation approach; (4) changes to reporting measures to increase transparency and clarity of survey, construction, and compensatory mitigation requirements. This Amendment will not increase Project impacts on the Covered Species because direct impacts were reduced for the Project and the new mitigation incorporates a range-wide strategy that adds additional value to the compensatory mitigation to fully mitigate the impacts of the taking.

*Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in April 2020 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended (1) reduce the total direct impact to Covered Species individuals/acres, and (2) amend the mitigation to include a Covered Species range-wide mitigation approach that is likely to result in significantly more off-site conservation and management actions for the species, (3) establish performance milestones to support successful implementation of mitigation, and (4) the minor increase in indirect impacts to individuals/acres of Covered Species is offset by the increase in protection and management of off-site populations in a range-wide approach. Permittee's continued adherence to and implementation of the avoidance and minimization

measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.*

Discussion: CDFW issued the ITP in April 2020 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Supplemental Environmental Impact Report adopted by Santa Barbara County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).*

Discussion: This Amendment is being processed to incorporate a new off-site mitigation strategy to replace the off-site mitigation on the Dangermond Preserve, which is not viable as it was written in the April 2020 ITP. While the modified off-site mitigation requirements do not preclude management activities on the Dangermond Preserve, they enable science, preservation, and management activities to occur at other known Covered Species occurrences as well. In addition, although indirect impacts to Covered Species individuals/acre will increase slightly due to Project changes, direct impacts to Covered Species were further reduced. As described above, the increase in the range of indirect impacts anticipated by the Project are offset by the reduction of direct impacts to individuals/acres and a more robust range-wide approach to the off-site mitigation that as a result does not result in additional impacts to Covered Species. However, this Amendment will significantly modify the scope or nature of the permitted Project activities, and the minimization, mitigation, and monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns the Amendment to CDFW.

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 7/3/2020

DocuSigned by:

*Ed Pert*

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Ed Pert  
Regional Manager  
South Coast Region

**ACKNOWLEDGMENT**

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

DocuSigned by:

By: 

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

Printed Name: Daniel Duke

Title: \_\_\_\_\_