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California Department of Fish and Wildlife
Inland Deserts Region
3602 INLAND EMPIRE BLVD., SUITE C-220
ONTARIO, CA 91764

California Endangered Species Act
Incidental Take Permit No. 2081-2017-058-06

DEVERS-COLORADO RIVER NO. 1 TRANSMISSION LINE RATING REMEDIATION 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 take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	Southern California Edison
Principal Officer:	Don Neal, Director of Environmental Services
Contact Person:	Genevieve Cross, (626) 233-5145
Mailing Address:	2244 Walnut Grove Avenue, GO-1, Quad 2C Rosemead, CA 91770

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 **October 1, 2023**.

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.

Project Location:

The Devers-Colorado River No. 1 Transmission Line Rating Remediation (TLRR) Project (Project) is located within Southern California Edison's (Permittee) existing right-of-way (ROW) for the Devers-Palo Verde No. 1 500-kilovolt (kV) transmission line (DPV1), from the

¹Pursuant 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"].)

²The 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.

Devers Substation near Palm Springs, east to the Colorado River Substation near Blythe (Figure 1). The 111-mile Project includes two segments: the Devers Substation to Red Bluff Substation No. 1 (Segment 1) and the Colorado River Substation to Red Bluff Substation No. 1 (Segment 2). The Project is located on a combination of federal, state, and private land. The portion of the Project located on Bureau of Land Management (BLM) administered land comprises approximately 52 miles subject to ROW Grant CA-17905. The remaining portion of the Project includes 1 mile located on state-managed land and 57 miles located on private land. The Project is located primarily within unincorporated Riverside County, California.

Project Description:

The Project will correct 168 phase-to-ground clearance discrepancies with existing transmission facilities through the replacement of existing conductor and hardware. Within Segment 1, Permittee will install new conductor along approximately 80 miles of existing transmission line and replace hardware on 281 existing structures. Within Segment 2, Permittee will install new conductor along approximately 31 miles of existing transmission line and replace hardware on 93 existing structures. To facilitate these corrections, the Project will establish 28 wire setup sites, 42 guard structures, 14 helicopter-landing zones, and 4 material yards. Details regarding the establishment and operation of these work areas are provided below.

Wire Setup Sites

Permittee will create 28 wire setup sites will be along the Project alignment to stage equipment and materials, carry out reconductoring activities, and serve as helicopter landing zones, if necessary. Each site will range in size from 0.25 to 1.50 acres and will be subject to minor vegetation clearing and leveling to ensure equipment is stable. In conductor staging areas, Permittee will place wood cribbing on the ground to prevent the conductor from meeting the ground surface. Placement of the cribbing will not require any ground-disturbing activities.

Guard Structures

Guard structures are temporary structures installed at transportation, flood control, and utility crossings, and at other locations (such as parks or near residences), to stop the travel of a conductor should it momentarily drop below a conventional stringing height. Permittee will use three types of guard structures during reconductoring activities: truck-mounted, "flower pots," and buried wood poles. Truck-mounted guard structures consist of roller guards and/or buckets mounted atop a rubber-tired, lightweight truck. "Flower pot" guard structures consist of a wood pole set in a large concrete base placed on the ground surface. Impacts associated with the use of truck-mounted and "flower pot" guard structures are typically limited to driving over and crushing ("drive-and-crush") vegetation in route to, and at the guard structure location, though minor vegetation removal and/or leveling may be required where the existing topography will not support the structure safely. Buried wood pole guard structures consist of two, 60-to-80-ft tall wood poles with a crossmember, installed/buried in-

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ground. Impacts associated with wood pole guard structures include vegetation removal, excavation, side-casting, and staging/set-up within a 200-ft by 50-ft general work area.

Helicopter Sites

Permittee will use helicopters to complete reconductoring activities, when truck-mounted aerial devices (e.g., boom truck/crane with suspended personnel platform) cannot stage without ground disturbance. Helicopters will use the existing DPV1 ROW as their flight path and will land within predetermined wire setup sites and helicopter landing zones.

Development of helicopter landing zones will require minor scraping and/or soil compacting and installation of best management practices (BMP) associated with the Project's Storm Water Pollution Prevention Plan (SWPPP) (typically silt fence and/or wattles).

Material yard: Four material yards will be used for the Project: Red Bluff (33.697234°, -115.308497°), Devers Substation (33.934446°, -116.574834°), Desert Center (33.715382°, -115.401248°), and Colorado River Substation (33.580015°, -114.817106°). Permittee selected the sites based on proximity to the project, existing disturbance, and vehicular access. Permittee will use the material yards as reporting locations for workers, vehicle and equipment parking, and material storage. Materials stored at the yards may include, but not be limited to, construction trailers, construction equipment, portable sanitation facilities, steel bundles, steel/wood poles, conductor reels, overhead ground wire or optical fiber ground wire reels, hardware, insulators, cross arms, signage, consumables (such as fuel and filler compound), waste materials for salvaging, recycling, or disposal, and BMP materials (straw wattles, gravel, and silt fences). Preparation of the material yards will include temporary perimeter fencing and, depending on existing ground conditions, grubbing of existing vegetation, and the application of gravel or crushed rock. Permittee will install lighting in the material yards for security purposes, and this lighting system will use a shielding system to limit glare to surrounding areas. Permittee will conduct normal maintenance and refueling of construction equipment at these yards. Permittee will perform all refueling and storage of fuels in accordance with the SWPPP.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Desert Tortoise (<i>Gopherus agassizii</i>)	Threatened ³
2. Coachella Valley Fringe-toed Lizard (<i>Uma inornata</i>)	Endangered ⁴

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

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(A).

⁴See *Id.*, subd. (a)(4)(A).

Impacts of the Taking on Covered Species:

CDFW expects Project activities and their resulting impacts to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include vegetation clearing; grading, leveling, and compaction; excavation, augering, and drilling; installation of fencing or barriers; installation and/or construction of temporary Project facilities and structures; general operation of vehicles and heavy equipment; noise, vibration, and dust generating activities; and capture and relocation activities (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as, collision with or crushing by vehicles or heavy equipment, crushing or burial of individuals or eggs in burrows, destruction of burrows and refugia, and increased predation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture and relocation activities, trapping within construction excavations, exclusion from habitat and refugia, establishment of barriers/preventing movement through Project areas, and collection or vandalism resulting from increased human presence in the area. The areas where authorized take of the Covered Species is expected to occur include those areas identified in Attachment 4 to this ITP.

CDFW expects the Project to cause the temporary/long-term loss of 26.8 acres of habitat for the Covered Species, including 3.4 acres of impact to Coachella Valley fringe-toed lizard habitat and 23.4 acres of impact to desert tortoise habitat. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations, capture and relocation, long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, introduction or proliferation of non-native or invasive species, and increased vulnerability to predation.

Incidental Take Authorization of Covered Species:

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

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Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration for the Project (State Clearinghouse No. 2018071032) adopted by CDFW, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2017-0137-R6) for the Project pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for activities in the California Desert Conservation Area (Biological Opinion No. FWS-KRN/SBD/INY/LA/IMP/RIV-17B0532-17F1029) 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. **Field Contact Representative.** No less than 60 days prior to the initiation of Covered Activities, Permittee shall designate one or more representatives (Field Contact Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Prior to the initiation of Covered Activities,

Permittee shall provide CDFW in writing the Field Contact Representative's name, business address, and contact information, and shall notify CDFW in writing if Permittee selects or identifies a substitute Field Contact Representative at any time during the term of this ITP. The Field Contact Representative will retain a copy of all ITP conditions readily available at the Project field office while conducting work on-site and oversee coordination between workers, Qualified Biologists, and Authorized Biologists. The Field Contact Representative will be present for all ground-disturbing activities within Covered Species habitat and will have the authority to halt all work activities that are not in compliance with the ITP. The Field Contact Representative will be responsible for ensuring that the Permittee immediately corrects any activities found to be out of compliance with the ITP and documents the corrective action.

- 6.2. Authorized Biologist(s). Permittee shall submit to CDFW for review and approval, the name, qualifications, business address, and contact information of each biologist, botanist, or other specialist (Authorized Biologist) proposed to lead biological surveys and perform any necessary handling of Covered Species. Permittee shall specify within these submittals which activities each Authorized Biologist is being considered for and clearly identify the qualifications and experience they possess to support the assignment. Permittee must receive CDFW's written approval of the Authorized Biologist(s) prior to the commencement of project activities, including construction and/or site preparation.
- 6.3. Qualified Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of each Qualified Biologist proposed to conduct biological surveys or monitoring for Covered Species. Permittee shall ensure that the Qualified Biologist(s) is knowledgeable and experienced in the biology, natural history, and identification of the Covered Species and signs of Covered Species presence. The Qualified Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Qualified Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Qualified Biologist(s) must be changed.
- 6.4. Authorized Biologist(s) and Qualified Biologist(s) Authority. Only the Authorized Biologist(s) shall handle Covered Species. To ensure compliance with the Conditions of Approval of this ITP, the Qualified Biologist(s) and Authorized Biologist(s) shall have authority to immediately stop any activity that does not comply with this ITP, and to order any reasonable measures to avoid the unauthorized take of an individual of the Covered Species.

- 6.5. Construction Monitoring Notebook. The Field Contact Representative or Authorized Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. Integrated Weed Management Plan. Permittee shall prepare and implement an Integrated Weed Management Plan (IWMP) to prevent the introduction and spread of weeds during the construction, operation, and maintenance phases of the Project. The IWMP shall provide an inventory existing weed species within and adjacent to the Project footprint; evaluate the Project's potential to introduce or spread weeds; identify specific prevention and treatment strategies; and propose a monitoring and treatment schedule. Permittee may address the above elements in the Habitat Mitigation and Monitoring Plan (HMMP, refer to Condition of Approval 9.4) in lieu of preparing a separate IWMP. Permittee shall provide the IWMP (or IWMP-inclusive HMMP) to CDFW for review no less than 30 days prior to the initiation of Covered Activities.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologists and Qualified Biologists. If utilizing water for dust control, Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. If Permittee proposes to use chemical dust suppressants or soil stabilizers within the Project Area, Permittee shall limit their use to highly disturbed areas (i.e., material yards). Permittee shall not use dust suppressants or soil stabilizers potentially harmful to fish and wildlife for the Project.
- 6.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to fish and wildlife species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Fiber rolls and erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, coconut (coir) fiber, or other products without welded weaves, and shall be free of nonnative plant materials. Permittee shall ensure erosion control materials do not pose a barrier to wildlife movement and shall install the materials to allow for the safe passage of wildlife, particularly of less vagile species (such as small mammals and reptiles), out of the Project Area.
- 6.9. Excavation Areas. To prevent injury, mortality, or inadvertent entrapment of Covered Species, Qualified Biologist(s) or Authorized Biologist(s) shall ensure all

excavated holes and trenches are covered, fenced, or monitored while not actively in use. If excavated areas will remain overnight, or for extended periods (e.g., weekends, holidays, etc.), the Qualified Biologist(s) or Authorized Biologist(s) shall ensure the excavated area is securely covered, and free of any gaps or opening that could allow wildlife to enter and become trapped. The Qualified Biologist(s) or Authorized Biologist(s) shall inspect all open holes and trenches for trapped animals at the beginning, middle, and end of each day, and before holes or trenches are filled.

- 6.10. Night Lighting. Permittee shall restrict the use of night lighting to the greatest extent feasible. If night lighting is necessary for construction activities, Permittee shall ensure the lighting is directed away from the adjacent open space areas.
- 6.11. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 6.12. Staging Areas. To the extent feasible, staging areas shall be located in previously disturbed areas to minimize impacts to native vegetation and communities. Permittee shall, to the extent feasible, confine all Project-related parking, storage, laydown, equipment storage, and any other surface-disturbing activities to previously disturbed areas within the Project footprint.
- 6.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.14. 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.
- 6.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement. The Field Contact Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance. The Field Contact Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Field Contact Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Compliance Monitoring. The Qualified Biologist(s) or Authorized Biologist(s) shall be on-site when Covered Activities occur. The Qualified Biologist(s) or Authorized Biologist(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Qualified Biologist(s) or Authorized Biologist(s) 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.
- 7.4. Monthly Compliance Report. The Field Contact Representative(s), Qualified Biologist(s), or Authorized Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via email to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Kimberly Freeburn-Marquez (Kim.Freeburn@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report

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(ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (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; and (6) information about other Project impacts on the Covered Species.

- 7.6. CNDDDB Observations. The Qualified Biologist(s) or Authorized Biologist(s) shall submit all observations of special-status and Covered Species to CDFW's California Natural Diversity Database (CNDDDB). Biologists may submit observations individually or may compile and submit observations in batches throughout the course of the Project. If submitting species observations in batches, these submittals shall occur a minimum of once every three (3) months, for the life of the Project. The Qualified Biologist(s) or Authorized Biologist(s) shall include copies of the submitted forms with the ASR.
- 7.7. Final Compliance Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Compliance Report. The Qualified Biologist(s) or Authorized Biologist(s) shall prepare the Final Compliance Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) a final calculation of Covered Species habitat impacts, including Geographic Information Systems (GIS) shapefiles; (7) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (8) 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 (9) any other pertinent information.
- 7.8. Covered Species Observation Reporting. The Field Contact Representative shall notify CDFW within 24 hours of any Covered Species observations via telephone and email, followed by a written report. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Qualified Biologist(s) or Authorized Biologist(s) notified, and any other pertinent

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information. If the Authorized Biologist(s) handles and/or relocates a desert tortoise, additional information, as specified in Condition of Approval 8.16, shall be provided.

- 7.9. Notification of Take or Injury. Permittee shall immediately notify the Authorized Biologist if a Project-related activity takes or injures a Covered Species, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Qualified Biologist(s), Authorized Biologist(s), or Field Contact Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167 and by notifying the CDFW Regional Representative Kimberly Freeburn-Marquez at the telephone number or email address listed below. 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.

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

- 8.1. 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 Field Contact Representative, Qualified Biologist(s), or Authorized Biologist(s) 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, and reporting requirements for sighting or incidents involving the Covered Species. Permittee shall inform all persons employed or otherwise working in the Project Area that the Field Contact Representative(s), Qualified Biologist(s), or Authorized Biologist(s) have the authority to halt all work activities that are not in compliance with the ITP. Permittee shall provide interpretation for non-English speaking workers, and provide the same instruction 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

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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. Permittee shall repeat this training at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 8.2. 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 properly disposed of in self-closing, sealable containers, with lids that latch. Permittee shall regularly (at least daily) inspect, empty, and remove all trash receptacles from the Project Area to prevent spillage and maintain sanitary conditions.
- 8.3. Delineation of Project Areas. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 8.4. Project Access. Permittee shall restrict Project-related vehicle traffic to existing roads, established routes, and staging and parking areas, and shall not cross Covered Species' habitat outside of or in route to the Project Area. Permittee shall ensure vehicle speed along Project routes and existing access roads does not exceed 25 miles per hour (mph), except in desert tortoise habitat, where vehicle speed shall be limited to 15 mph. Permittee shall clearly mark speed limits, and inform all workers of these limits. Consistent with project safety and security protocols, landowner preferences, and any other applicable regulations or requirements, Project personnel shall close and secure existing gates on Project access roads when entering or leaving an area.
- 8.5. Vehicle Inspection. Workers shall inspect for Covered Species under vehicles and equipment before moving the vehicles and equipment. If a Covered Species is present, the worker shall contact the Qualified Biologist(s) and wait for the Covered Species to move unimpeded to a safe location or the Authorized Biologist(s) shall relocate the Covered Species following handling procedures set forth in this ITP before moving vehicles and equipment.
- 8.6. Vehicular Traffic Restrictions. Permittee shall restrict Project-related vehicle traffic to existing access roads and established Project Area; Permittee shall prohibit cross-country (off-road) vehicle travel. If a driver encounters a Covered Species, the driver shall stop, wait for the Covered Species to move off the road, and immediately notify the Qualified Biologist(s) of the Covered Species location. If the

Covered Species requires handling, the Qualified Biologist(s) shall halt Project-related activities and immediately notify the Authorized Biologist(s). Project activities may not resume until the Covered Species has moved, on its own accord, out of harm's way, or until the Authorized Biologist(s) has relocated the Covered Species following handling procedures set forth in this ITP.

- 8.7. Covered Species Observations. All personnel on the Project site shall immediately report all encounters with the Covered Species to the Qualified Biologist(s) or Authorized Biologist(s). If personnel identifies a Covered Species during Project activities, the Permittee shall immediately stop all work in the area and contact the Qualified Biologist(s) or Authorized Biologist(s). The Qualified Biologist(s) or Authorized Biologist(s) shall allow the Covered Species to escape unimpeded or the Authorized Biologist(s) may relocate the Covered Species as described in this ITP. Permittee shall not resume work until the Authorized Biologist(s) has relocated the animal or allowed it to move outside the Project Area on its own.

Desert Tortoise

- 8.8. Pre-Construction Surveys. No more than 14 days prior to initiating Covered Activities within each pull-site, the Qualified Biologist(s) or Authorized Biologist(s) shall conduct pre-construction surveys to determine potential presence of desert tortoise within the Project Area. These surveys shall cover 100 percent of the Project Area and a 300-foot buffer zone. The Qualified Biologist(s) or Authorized Biologist(s) shall follow the survey methodology in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual). The Qualified Biologist(s) or Authorized Biologist(s) shall record all potential desert tortoise burrows within the pre-construction survey area, using high-accuracy global positioning system (GPS) technology. The Qualified Biologist(s) or Authorized Biologist(s) shall provide the results of the pre-construction survey (using the USFWS Protocol data sheet) to CDFW within three days of completing the surveys.
- 8.9. Pre-Construction Sweep/Clearance Survey. Immediately prior to start of ground disturbance activities within each Project work area, the Qualified Biologist(s) or Authorized Biologist(s) shall conduct pre-construction sweeps of the Project Area and access routes to ensure that desert tortoises are absent from the Project Area. The Qualified Biologist(s) or Authorized Biologist(s) shall survey the entirety of the Project Area, including access routes, within desert tortoise habitat, and shall inspect all suitable burrows within the Project Area for habitation. If burrow excavation or handling of a desert tortoise is required, the Field Contact Representative(s) shall contact the Authorized Biologist(s). Only an Authorized Biologist(s) shall excavate burrows, handle, and relocate desert tortoise. If Project

personnel identify occupied burrows, Permittee shall follow all excavation, handling, relocation, monitoring, and reporting measures set forth in this ITP.

- 8.10. Ongoing Monitoring. Qualified Biologist(s) or Authorized Biologist(s) shall be present at all times while Covered Activities are occurring. Qualified Biologist(s) or Authorized Biologist(s) shall continually monitor the perimeter of work areas to ensure any desert tortoise nearing the Project Area can move through unharmed and unimpeded. Where Project Areas are fenced, the Qualified Biologist(s) or Authorized Biologist(s) shall monitor the fence perimeter to protect Covered Species from exhaustion and mortality due to "fence walking."
- 8.11. Excavating Burrows. Only the Authorized Biologist(s) may excavate burrows and handle desert tortoise and their eggs. During pre-construction clearance surveys, the Authorized Biologist(s) shall excavate all burrows by hand that cannot be avoided, including burrows not recently used that are considered by the Authorized Biologist(s) to be potentially suitable. The Authorized Biologist(s) shall excavate and then block, collapse, or fence potentially suitable burrows at the time of survey to prevent re-entry by the Covered Species. The Authorized Biologist(s) shall only collapse burrows where Covered Activities would directly impact the burrow. Otherwise, the Authorized Biologist(s) shall leave burrows intact, and temporarily block the entrance to prevent re-entry using appropriate methods. The Authorized Biologist(s) shall complete all burrow excavation shall in accordance with the USFWS Field Manual. If burrow excavation results in the handling and relocation of desert tortoise, the Authorized Biologist(s) shall document and provide a report to CDFW as specified in Condition of Approval 8.16.
- 8.12. Desert Tortoise Handling. In the event that desert tortoise, or eggs, must be handled and/or relocated, the Authorized Biologist(s) shall follow all procedures/guidelines in the USFWS Field Manual, including, but not limited to, procedures to avoid transmission of diseases and parasites, guidelines for addressing temperature extremes, data collection requirements, and general measures to protect the well-being of the individuals. The Authorized Biologist(s) shall document all instances of handling and relocation and provide the documentation to CDFW as specified in Condition of Approval 8.16.
- 8.13. Relocation of Desert Tortoise. To the maximum extent practicable, Permittee shall avoid disturbance to, and relocation of, desert tortoises. If any desert tortoises are at risk of harm as a result of Covered Activities, an Authorized Biologist shall move the individual(s) out of harm's way and release the individual(s) no more than 1,000 feet from the point of collection for adults and 300 feet for juveniles. The Authorized Biologist(s) shall not relocate tortoises to adjacent private property unless the Permittee obtains written permission from the property owner. Desert tortoises

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found above ground shall be allowed reasonable time to move out of harm's way on their own accord, and if relocated by the Authorized Biologist(s), shall be released above ground in suitable habitat and conditions. Desert tortoises found in burrows, especially during the species' less active period, shall be avoided to the extent practicable, as determined by the Authorized Biologist(s). If a desert tortoise (or desert tortoise and eggs) are found during burrow excavation, the Authorized Biologist(s) shall relocate them to an artificial or unoccupied natural burrow and monitor them until Covered Activities in the area are complete. The Authorized Biologist(s) shall follow all excavation, capture, handling, identification and data collection, relocation, and burrow construction procedures described in the USFWS Field Manual. The Authorized Biologist(s) shall document any relocation efforts and provide a report to CDFW as specified in Condition of Approval 8.16.

- 8.14. Ambient Air Temperature. The Authorized Biologist(s) shall not capture, move, transport, release, or purposefully cause a Covered Species to leave its burrow for any reason when the ambient air temperature is above 95 degrees Fahrenheit (35 degrees Celsius). The Authorized Biologist(s) shall not capture a desert tortoise if the ambient air temperature is anticipated to exceed 95 degrees Fahrenheit before handling or processing can be completed. If the ambient air temperature exceeds 95 degrees Fahrenheit during handling or processing, the Authorized Biologist(s) shall keep the desert tortoise in a shaded environment with a temperature that does not exceed 95 degrees Fahrenheit, and shall not release the animal until ambient air temperature declines to below 95 degrees Fahrenheit.
- 8.15. Desert Tortoise Rehydration. If a desert tortoise voids its bladder as a result of handling, the Authorized Biologist(s) shall rehydrate the animal at the location where the animal was captured, or the location where the animal is or will be released by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw. If multiple individuals require rehydration, the Authorized Biologist(s) shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration.
- 8.16. Desert Tortoise Handling Records. The Authorized Biologist(s) shall maintain a record of all desert tortoises handled. This information shall include for each tortoise (1) the locations (narrative and maps) and dates of observation, including whether the individual was found above ground or in a burrow; (2) ambient temperature when handled and released; (3) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladder; (4) identified diagnostic markings (i.e., identification numbers or marked lateral scutes); (5) location moved from and location moved to (using GPS

technology), including information on any burrow (natural or artificial) utilized; (6) whether any eggs were discovered and relocated; (7) digital photographs of any desert tortoises and eggs handled; and (8) results of ongoing monitoring following the release. The Authorized Biologist(s) shall provide CDFW a written summary of the handling/relocation event, including the information listed above, within 24 hours.

- 8.17. Road Berms. Permittee shall ensure that all access roads within the Project Area are free of berms that could impede desert tortoise movement. If road berms currently exist within the Project Area, Permittee shall ensure the berms are less than 12 inches high and have slopes of less than 30 degrees.
- 8.18. Desert Tortoise Injury. If Project-related activities injure a desert tortoise, the Authorized Biologist shall immediately transport it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of the injured desert tortoise. The Permittee, Qualified Biologist(s), Authorized Biologist(s), or Field Contact Representative(s) shall notify CDFW of any desert tortoise found injured or dead immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 7.9. Notification shall also include the name of the facility where the animal was taken.

Coachella Valley Fringe-toed Lizard

- 8.19. Active Season. To the extent feasible, construction activities within Coachella Valley fringe-toed lizard habitat shall be conducted during the species' active season (generally April through October) to increase the likelihood that the Covered Species will be detected and thence allowed to move out of harm's way on their own accord.
- 8.20. Limit Disturbance. Permittee shall, to the greatest extent feasible, limit ground disturbance within, and encroachment into wind-blown sand areas. Covered Activities that may require encroachment into these areas include the installation, operation, and removal of guard structures. To minimize disturbances at all locations within Coachella Valley fringe-toed lizard habitat requiring guard structures, Permittee shall (1) park boom trucks along paved road surfaces or in disturbed areas such as compacted road shoulders, and/or (2) install "flower pots" from adjacent roadways or road shoulders. In addition, the Qualified Biologist(s) or Authorized Biologist(s) shall be onsite at all times while work is occurring in these locations.
- 8.21. Pre-Construction Sweep/Clearance Survey. Immediately prior to the start of

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ground disturbing activities within Coachella Valley fringe-toed lizard habitat, the Qualified Biologist(s) or Authorized Biologist(s) shall conduct pre-construction sweeps of the Project Area, including access routes, for signs of occupation. The Qualified Biologist(s) or Authorized Biologist(s) shall monitor any observed individuals until they move out of harm's way.

- 8.22. Ongoing Monitoring. Qualified Biologist(s) or Authorized Biologist(s) shall be present at all times while Covered Activities are occurring. Qualified Biologist(s) or Authorized Biologist(s) shall continually monitor the perimeter of work areas to ensure any Coachella Valley fringe-toed lizards nearing the Project Area can move through unharmed and unimpeded.

9. Habitat Management Land Acquisition and Restoration:

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

To meet this requirement, the Permittee has provided for both the permanent protection and management of 109.8 acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.3 below. HM lands include two 50-acre parcels (Assessor's Parcel Numbers [APNs] 709-600-003 and 709-600-014) to offset the impacts to desert tortoise habitat and one 9.8-acre parcel (APN 651-130-015) to offset the impacts to Coachella Valley fringe-toed lizard habitat. The Permittee shall also restore on-site 26.8 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.4 below.

- 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 \$1,481.00/acre for 100 acres for desert tortoise and \$21,090.00/acre for 9.8 acres for Coachella Valley fringe-toed lizard: **\$354,782.00.** Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements. No security for land acquisition is required, as these costs were previously funded;

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- 9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.6 below, estimated at \$440.00/acre for 100 acres for desert tortoise and \$6,270.00/acre for 9.8 acres for Coachella Valley fringe-toed lizard: **\$105,446.00**. No security for start-up costs is required, as these costs were previously funded;
- 9.1.3. Interim management period funding as described in Condition of Approval 9.2.7 below, estimated at \$800.00/acre for 100 acres for desert tortoise and \$11,400.00/acre for 9.8 acres for Coachella Valley fringe-toed lizard: **\$191,720.00**. No security for interim management is required, as these costs were previously funded;
- 9.1.4. Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$1,240.00/acre for 100 acres of desert tortoise habitat and \$17,670/acre for 9.8 acres of Coachella Valley fringe-toed lizard habitat: **\$297,166.00**. No security for long-term management is required, as these costs were previously funded;
- 9.1.5. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.4, calculated at \$18,356.27/acre for 26.8 acres: **\$491,948.00**.
- 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. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. In this case, CDFW approved Wildlands California Holdings I, LLC, a non-profit organization, to hold title to APNs 709-600-003 and 709-600-014, and CDP Holdings I, LLC, a non-profit organization, to hold title to APN 651-130-015. Wildlands California Holdings I, LLC was also approved to manage the HM lands;
- 9.2.2. Conservation Easement. Facilitate the recordation of a conservation easement. 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. In this

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case, CDFW approved Wildlife Heritage Foundation to act as grantee for the conservation easements and CDFW is named in the recorded conservation easements as a third-party beneficiary;

- 9.2.3. 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 identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. Permittee received CDFW's written approval of the HM lands on February 10, 2012;
- 9.2.4. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents. 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. CDFW received the HM lands documentation on October 11, 2011. The HM lands were approved by CDFW on February 10, 2012;
- 9.2.5. 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 designated Wildlands California Holdings I, LLC as the interim and long-term land manager. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change;
- 9.2.6. 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 <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring GIS data if applicable; (4) establishing initial fencing, where necessary; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage. An Initial Habitat Improvement Fund in the amount of \$120,971.33 was established and expended for the total 1,956.9-acre Devers-Palo Verde Preserve, which includes the 109.8 acres of HM Lands required by this ITP;

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9.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. 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. Permittee has established an Initial Habitat Improvement Fund of \$120,971.33 for the total 1,956.9-acre Devers-Palo Verde Preserve, which includes the 109.8 acres of HM Lands required by this ITP.

9.3. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 9.2, the Permittee shall ensure that the long-term manager perpetually manages, maintains, and monitors the HM lands 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 9.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. Permittee has established an Endowment in the amount of \$1,068,820.00 for the total 1,956.9-acre Devers-Palo Verde Preserve, which includes the 109.8 acres of HM Lands required by this ITP.

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. The Endowment shall fund these activities.

- 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). Permittee identified Wildlife Heritage Foundation as the proposed Endowment Manager and submitted a written proposal containing the above information on May 24, 2013.
- 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. The Permittee prepared a PAR and CDFW approved the PAR on February 10, 2012.
- 9.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.
- 9.3.2.2. 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. The long-term endowment funds were deposited on March 21, 2014.

9.4. Habitat Restoration. Permittee shall restore on-site the 26.8 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Prior to initiation of Covered Activities, Permittee shall prepare, for CDFW review and approval, a Habitat Mitigation and Monitoring Plan (Plan) to facilitate revegetation of the 26.8 acres of temporary construction disturbance on-site and shall ensure that the contractor successfully implements the Plan. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, including seed mixes and application methods, invasive species eradication methods, maintenance and monitoring schedules, success criteria, and a timeline for implementation.

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 9.4. Permittee shall provide Security as follows:

10.1. Security Amount. The Security shall be in the amount of **\$491,948.00**. This amount

is based on the cost estimates identified in Condition of Approval 9.1.5 above.

- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 3) 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:
 - The successful restoration of all temporary impacts, as established in the HMMP; and
 - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required restoration of all temporary impacts following completion of the Covered Activities. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological

conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1740 N. Market Boulevard
Sacramento, CA 95834

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 (2081-2017-058-06) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Leslie MacNair, Regional Manager
California Department of Fish and Wildlife
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764

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Telephone (909) 466-8462
Fax (909) 941-7364

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1740 N. Market Boulevard
Sacramento, CA 95834

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

Kimberly Freeburn-Marquez
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Telephone (909) 945-3484
Fax (909) 941-7364

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a lead agency pursuant to CEQA with respect to this ITP. (See generally Pub. Resources Code, §§ 21067, 21069). CDFW's environmental review of the Project is set forth in the Devers-Colorado River Substation No. 1 500-Kilovolt Transmission Line Rating Remediation Project Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 2018071032) that CDFW adopted on September 25, 2018. At the time CDFW adopted the Mitigated Negative Declaration 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 Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP [CEQA Guidelines, § 150]. CDFW finds that, based on the whole record before it, that there is no substantial evidence that issuance of this ITP will have a significant effect on the environment. Furthermore, to the extent the potential for such effects exists, CDFW finds 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.

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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, Devers-Colorado River Substation No. 1 500-Kilovolt Transmission Line Rating Remediation Project Initial Study and Mitigated Negative Declaration, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 109.8 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those

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measures for the Project; and

- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Project Vicinity
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Letter of Credit Form
ATTACHMENT 3	Mitigation Payment Transmittal Form
ATTACHMENT 4	Project Area from ITP Application Figures 3-1 through 3-35

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 9/28/18

Chris Hayes for
Leslie MacNair, Regional Manager
INLAND DESERTS REGION

ACKNOWLEDGMENT

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

By: Donald Neal Date: 10/3/18

Printed Name: Donald Neal Title: Director Env. Services

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