

MARICOPA SUN, LLC

HEADQUARTERS

1306 W Herndon Ave, Suite #101, Fresno, CA 93711
Phone (559) 440-8350 • Facsimile (559) 432-2214

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FEB 04 2020

HABITAT CONSERVATION
PLANNING BRANCH

By Mail

TO: Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
P.O. Box 944209
Sacramento, CA 94244-2090

FROM: Tammy Rosenthal

DATE: January 28, 2020

OUR REFERENCE: Maricopa Sun/Incidental Take Permit for Major
Amendment No5 Solar Complex (2081-
2014-060-04)

ENCLOSURE(s): Our Originals of the following:

1. Amendment No. 5

X PURSUANT TO YOUR REQUEST



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 9, 2019

Farid Assemi
Maricopa Sun, LLC
1396 West Herndon Avenue, Suite 101
Fresno, California 93711

Subject: Incidental Take Permit for Major Amendment No. 5 for the Maricopa Sun Solar Complex (2081-2014-060-04)

Dear Mr. Assemi:

Enclosed you will find two originals of Major Amendment No. 5 for the incidental take permit for the above referenced Project, which have been signed by the California Department of Fish and Wildlife (Department). Please read the amendment carefully and sign the acknowledgement on both copies of the amendment, and return one original **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities, to:

For United States Postal Service:

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

For all other methods:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
1740 North Market Boulevard
Sacramento, California 95834

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

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HABITAT CONSERVATION
PLANNING BRANCH

Conserving California's Wildlife Since 1870

Farid Assemi
Maricopa Sun, LLC
December 9, 2019
Page 2

The amendment will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the amendment, please contact Lisa Gymer, Senior Environmental Scientist (Specialist), at (559) 243-4014, extension 238.

Sincerely,



Julie A. Vance, Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosures (2)

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA, 93710



AMENDMENT NO. 5
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2014-060-04
Maricopa Sun, LLC
Maricopa Sun Solar Complex in Kern County

INTRODUCTION

On December 15, 2014, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2014-060-04 (ITP) to Maricopa Sun, LLC (Permittee), authorizing take of San Joaquin kit fox (*Vulpes macrotis mutica*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) (collectively, the Covered Species) associated with and incidental to the Maricopa Sun Solar Complex in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW includes 3,856.1 acres identified as Solar Sites and Movement Corridors (3,798.2 acres), and Easements (57.9 acres) for the development of a solar photovoltaic (PV) energy facility.

On February 19, 2015, CDFW issued Minor Amendment No. 1 (Amendment No. 1), which added Maricopa West Solar PV, LLC as a co-permittee (Co-Permittee Maricopa West Solar PV, LLC) on the ITP with respect to the portion of the Project Area described in Attachment 1 and depicted in Attachment 2 of Amendment No. 1.

On February 19, 2015, CDFW issued Minor Amendment No. 2 (Amendment No. 2), which added Maricopa East Solar PV, LLC as a co-permittee (Co-Permittee Maricopa East Solar PV, LLC) on the ITP with respect to the portion of the Project Area described in Attachment 1 and depicted in Attachment 2 of Amendment No. 2.

On March 5, 2015, CDFW issued Minor Amendment No. 3 (Amendment No. 3), which allowed Permittees to implement the required on-site mitigation by recordation of conservation easements only on Solar Site acreage being proposed for individual solar development, prior to starting each individual solar development and eliminated the option for putting up a Performance Security to be consistent with federal take authorization for the Project and because the ITP requires recordation of off-site conservation easements in advance of each Project phase and on-site conservation easements in advance of each individual solar development.

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On December 8, 2016, CDFW issued Minor Amendment No. 4 (Amendment No. 4), which changed the order in which off-site mitigation lands would be conserved. Minor Amendment No. 4 was not executed, and in an email dated May 24, 2018, Permittee indicated Amendment No. 4 was no longer desired. The order in which the off-site mitigation lands are to be conserved remains the same.

In issuing the ITP, Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4 (collectively, the ITP, as amended), CDFW found, among other things, that Permittees' compliance with the Conditions of Approval of the ITP, as amended, would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP, as amended, would not jeopardize the continued existence of the Covered Species.

The Project is divided into six phases that are based on acreage to be disturbed. One hundred sixty (160) acres of the Project has been developed, and the individual development area has been placed under a "springing" conservation easement along with the off-site mitigation land corresponding to the whole of Phase 1.

On May 7, 2018, Permittee, Maricopa Sun, LLC, requested the ITP be further amended to allow for up to 24 acres of land to be removed from the obligation of placing a "springing" conservation easement over the individual development area that will hold the Bitterwater Switching Station and its associated easements. The Bitterwater Switching Station, located in the southwest portion of Solar Site 2-S as identified on updated Figure 2, will be developed by Permittee, but will be deeded over to and operated and maintained by Pacific Gas and Electric Company (PG&E). These 24 acres will, therefore, not be required to be decommissioned by the expiration of this ITP (October 30, 2049) as the remainder of the Project is required to be per the ITP. To offset the loss of up to 24 acres of on-site conservation, Permittee will place an additional 24 acres of off-site mitigation land, as identified in updated Figure 2, into a permanent conservation easement prior to starting work associated with the Bitterwater Switching Station.

This Major Amendment No. 5 (Amendment No. 5) makes the following changes to the existing ITP:

First, Amendment No. 5 clarifies the definition of the Bitterwater Switching Station.

Second, Amendment No. 5 increases the size of the Bitterwater Switching Station from 2 to 7 acres and adds a total of 24 acres associated with the Bitterwater Switching Station and its facilities to the Easements acreage. The Bitterwater Switching Station will be owned and operated by PG&E after construction who will seek their own take authorizations during O&M activities.

Third, Amendment No. 5 removes 24 acres of Easement from the on-site springing conservation easement requirement and clarifies that none of the lands identified as Easements will be subject to either the decommissioning or springing easement requirements.

Fourth, Amendment No. 5 modifies the Conditions of Approval to add protective measures resulting from the modifications made to the Project Description, which includes construction of storm water retention ponds.

Fifth, Amendment No. 5 modifies the off-site HM lands requirement by adding 24 acres to the off-site mitigation obligation to be completed before starting work on the Bitterwater Switching Station.

Sixth, Amendment No. 5 modifies the on-site HM lands requirement by subtracting 24 acres from the on-site springing conservation easement and decommissioning requirements.

Seventh, Amendment No. 5 replaces Figure 2 with a new Figure 2 that shows the location of the Bitterwater Switching Station and the additional 24 acres of off-site HM lands and adds Figure 3 to show the general design of the Bitterwater Switching Station.

AMENDMENT

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

1. The Project Description, page 2, shall be amended to read:

The project described in the Maricopa Sun Solar Complex Environmental Impact Report (EIR), certified by Kern County on March 29, 2011, consisted of 8,255 acres for the development of a 960-megawatt (MW) solar photovoltaic (PV) energy facility; 6,046 acres for immediate development of a 700-MW facility and 2,209 acres for future development of a 260-MW facility. The Project covered in this ITP is smaller than what was described in the EIR; the Project in this ITP is limited to the 3,856.1 acres identified as Solar Sites and Movement Corridors (3,798.2 acres), and Easements (~~57.981.9~~ acres) (Figure 2). The Project consists of formerly cultivated lands that have been routinely disked for the past several years. The Project periods include pre-construction, construction, operation and maintenance (O&M), and decommissioning of the solar panel arrays, each of which periods includes activities relating to gathering power lines, switchyards, a substation (***Bitterwater Switching Station***), access roads, O&M buildings,

temporary staging/storage areas and concrete batch plants, and generation tie-line to convey electricity to an existing Pacific Gas and Electric transmission line. Permittee initially owned all of the 3,856.1-acre Project and is in the process of selling or leasing portions to individual project developers. The Solar Sites of the Project will be developed for up to 15 years as individual solar developers either purchase or lease Project lands and become Co-Permittees on this ITP, through the ITP amendment process, and become jointly and severally liable with Permittee for satisfaction of the ITP terms and conditions with regard to the portion of the overall Project Area they lease or purchase and then develop. Impacts on the 33.8 acres of Movement Corridors will be limited to vehicle and equipment movement, fencing installation activities, and habitat enhancement activities as described below. Impacts on the ~~57.9~~**81.9** acres of Easements will be limited to vehicle and equipment movement, **except for the 24 acres that will be developed for the Bitterwater Switching Station. Up to twenty-four (24) acres of Easements will be provided to PG&E for the operation and maintenance of the Bitterwater Switching Station and associated electrical network upgrades. Permittee will develop the Bitterwater Switching Station then PG&E will be responsible for the operation and maintenance. The 81.9 acres identified as Easements will not be subject to decommissioning or springing conservation easement requirements included in this ITP.** The entirety of the 3,798.2-acre Solar Sites will be impacted by the following activities for up to the 35-year life of the Project.

2. The Project Description, the Pre-Construction Activities listed on Pages 2 and 3, shall be amended to read:

- Conducting biological surveys;
- Installation of materials to demarcate exclusion and avoidance areas;
- Surveying and staking the Solar Sites and perimeter fencing;
- Clearing, grubbing, grading, leveling, and compacting soils within the Solar Sites;
- Conducting geotechnical investigations; approximately one boring per ten (10) acres;
- Grading access and maintenance roads;
- Delineating temporary laydown and storage areas, parking areas, and concrete batch plant locations;
- Delineating new substation (***Bitterwater Switching Station, see Figure 3***) and switchyard locations; and

- Testing, plugging, and abandonment of three (3) existing oil wells.
3. The Project Description, the Construction Activities listed on page 4, shall be amended to read:
- Installation of septic systems and leach fields not to exceed 300 feet in length at each solar development site;
 - Installation of a maximum of two meteorological monitoring stations per solar development site on concrete pads not to exceed 400 square feet each;
 - Installation of solar modules, tracker systems, and support mounts;
 - Installation of inverters on concrete pads;
 - Trenching for and installation of electrical conduits and wires;
 - Construction of overhead transmission lines, which may include the use of trucks, cranes, drills, other heavy line equipment, and helicopters within the Project;
 - Construction of switchyards;
 - Construction of a single substation (***Bitterwater Switching Station, see Figure 3), including microwave tower, storm water retention pond, lighting and security cameras, breakers and other electrical structures*** for a maximum disturbance of ~~two (2)~~ ***seven (7) acres and associated network upgrades including overhead transmission lines, poles, auxiliary overhead power lines, security lighting and cameras, access roads and fencing for a maximum disturbance of up to an additional 17 acres; for a total of 24 acres identified as Easement after construction work is completed;***
 - Landscaping a 20-foot wide strip with native, drought-tolerant plants along the security fencing along public roadways;
 - Enhancement of Movement Corridors through berm creation, den construction, and perching post installation; and
 - Treatment of disturbed soils for dust suppression purposes by 1) seeding with native plant species and watered until growth is apparent; or 2) watering twice daily until a crust has formed.
4. The Project Description, Decommissioning Activities listed on page 5, shall be amended to read:

Decommissioning ***Activities Associated with the Solar Sites*** – All removed materials will be recycled as feasible

- Removing access roads and fencing;
- Removing structures, foundations, and concrete pads;
- Removing septic tanks and leach fields;
- Removing underground cabling, wires, and their conduits;
- Removing solar panels, mounting systems, and support systems; and
- Leveling soils.

5. The last paragraph on page 5 shall be amended to read:

To fully mitigate the impacts of the Project, Permittee will permanently preserve off-site HM lands that equal no less than half the size of each Phase for Phases 1-5 (Phase 6 does not have an off-site mitigation requirement as it is fulfilled at Phase 5), plus on-site HM lands that equal the size of each individual development, both according to Table 1. A conservation easement will be recorded on the off-site HM lands for each Phase prior to starting activities in the corresponding Phase. Within each Phase, a conservation easement will be recorded on the on-site HM lands for each individual solar development prior to starting activities in the corresponding individual solar development, but on-site HM lands shall not be managed exclusively for the benefit of the species addressed in this ITP until after the Solar Sites are decommissioned at year 35 and prior to the end of the term of this ITP. ***Pertaining specifically to the Bitterwater Switching Station, Permittee will permanently preserve 24 acres of off-site mitigation land prior to starting construction and as part of Phase 1 which will result in a corresponding reduction in acreage of on-site HM lands as the Bitterwater Switching Station will be deeded to PG&E for O&M and converted to Easement with no requirement to decommission or be placed under a springing conservation easement.*** The total HM land acreage for all six Phases shall not exceed the overall amount of required HM lands (4,894.41, **918.4** off-site acres and ~~3,798.23~~, **774.2** on-site acres) for the Project. Activities may not proceed for any given Phase until Permittee has permanently preserved, and fully funded the management of, the corresponding HM lands associated with that Phase in accordance with the above description, Tables 1 and 2, and Condition of Approval 8.

6. Table 1, page 6, shall be amended to read:

**Table 1
Phasing Plan for On-Site and Off-Site HM Lands**

Phase	Developed	Required Compensation Per Phase		Total Conserved Lands (cumulative)		Remaining Lands to be Conserved	
		On-Site	Off-Site	On-Site	Off-Site	On-Site	Off-Site
1	640616	640616	356.8	640616	356.8	3,158.2	1,537.61,561.6
1	24	0	24	616	380.8	3,134.2	1,537.6
2	640	640	420	1,2801,256	776.8800.8	2,518.22,494.2	1,117.6
3	640	640	380	1,9201,896	1,156.81,180.8	1,878.21,854.2	737.6
4	640	640	380	2,5602,536	1,536.81,560.8	1,238.21,214.2	357.6
5	640	640	357.6	3,2003,176	1,894.41,918.4	598.2554.2	0
6	598.2	598.2	0	3,798.23,774.2*	0	0	0

Note: Total off-site HM lands = 1,894.41,918.4 acres; Total on-site HM lands = 3,798.23,774.2 acres*; Total HM lands = 5,692.6 acres

* On-site HM lands consist of the 3,856.1 Permit Area minus the 57.981.9 acres of existing pPublic Easements and the Bitterwater Switching Station Easement once it is decided to PG&E after construction

7. Table 2, page 6, shall be amended to read:

**Table 2
Off-Site HM Lands Required Per Phase**

Property	Acreage	Phase
9-C	180.6	1
10-C	176.2	1
10-C addition	24.0	1
1-C	656.6	2 (420 ac), 3 (236.6 ac)
17-C	647.7	3 (143.4 ac), 4 (380 ac), 5 (124.3 ac)
3-C	80.4	5
3-C2	152.9	5
Total	1,894.41,918.4	

Note: 10-C addition shall be completed prior to starting work associated with the Bitterwater Switching Station

8. The Impacts of the Taking on Covered Species, first paragraph, page 7, shall be amended to read:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include

driving vehicles to, from, and within the Project Area; clearing, grading, and compacting for roads, structures, equipment storage areas, material laydown areas, and parking areas; **excavating for storm water retention ponds**; trenching for electrical production infrastructure; installation of solar arrays; septic systems, water tanks; excavating Covered Species dens or burrows for salvage; trapping Covered Species; constructing dens and modifying topography within the Movement Corridors; managing vegetation and livestock within the Solar Sites; driving tracker foundations into the ground; installing generation tie-line poles and overhead lines between solar panel arrays and the substation (**Bitterwater Switching Station**); installing or maintaining fencing; disturbing ground or vegetation during the O&M activities described above; and removal activities associated with decommissioning of the Solar Sites as described above (Covered Activities).

9. The Impacts of the Taking on Covered Species, fourth paragraph, page 8, shall be amended to read:

There is potential for take of Covered Species in all work areas on the entirety of the Project Area. The risk of take increases with implementation of each successive Project construction period (pre-construction, construction, O&M, and decommissioning) as the likelihood of the species being on the Project Area increases. For the past eight years the entire Project Area has been routinely disked and no Covered Species are known to exist within the Project Area based on pre-Project biological survey efforts. However, observations of individuals, burrows, scat, or other sign of Covered Species were made on the adjacent lands surrounding the Project Area. Covered Species have the potential to re-inhabit the Project Area between disking events and this potential increases once construction activities have been completed when the intensity and extent of ground-disturbing activities diminish. The Project will cause the direct and permanent alteration or loss of 3,856.1 acres of habitat potentially occupied by Covered Species over the life of this ITP. The Project will temporarily impact (during pre-construction and construction activities) approximately ~~57.9~~**81.9** acres on which utility and railroad easements exist **or will exist upon completion of construction activities (Bitterwater Switching Station).**

10. The Impacts of the taking on Covered Species, page 9, shall be amended to add a final paragraph to read:

This ITP does not authorize incidental take associated with the Operations and Maintenance of the Bitterwater Switching Station (Figure 3) after it is deeded by the Permittee to PG&E. This includes no take authorization for Operations and Maintenance of the microwave tower, storm water retention pond, lighting and security cameras, breakers and other electrical structures

and associated network including overhead transmission lines, poles, auxiliary overhead power lines, security lighting and cameras, and access roads.

11. Condition of Approval 7.6, page 19, shall be amended to read:

~~7.6 **Exclusion Fencing** Temporary Barrier Fencing. After pre-activity surveys required by Condition of Approval 7.2, and prior to initial ground disturbance associated with pre-construction, construction, or decommissioning periods within in each Phase, Permittee shall have temporary barrier fencing (TBF) installed around the perimeter of the Phase that adjoins lands where Covered Species are known or suspected to occur. Permittee shall locate the TBF in a way that avoids Covered Species burrows and, when possible, isolates them from the active work areas. The Designated Biologist(s) shall accompany the TBF construction crew to ensure that Covered Species are not killed or injured during this activity. Permittee shall ensure the TBF is constructed of 36-inch tall metal flashing buried 6 inches below grade. Permittee will construct the TBF so it is supported on one side (on the construction side of the fence) by stakes, posts of reinforcing bar, or T-posts. Permittee shall affix the TBF to the supports in a manner that will not allow Covered Species to climb the fence (e.g., bolts or fasteners must be a minimum of 18 inches apart). The TBF shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active pre-construction and construction periods. All openings in the TBF lines shall be constructed such that they prohibit Covered Species passage or passively direct the Covered Species back into suitable natural habitat. Permittee shall maintain the TBF as necessary. Permittee shall also install the TBF around ground-disturbing O&M activities prior to starting said O&M activities. The Designated Biologist(s) shall delineate the location of the TBF and shall accompany the construction crew to ensure that Covered Species are not killed or injured during O&M activities.~~

12. Condition of Approval 7.6, page 19, shall be amended to include a sub-Condition of Approval 7.6.1 and sub-Condition of Approval 7.6.2 and shall read:

~~7.67.6.1 Temporary Barrier Fencing. After pre-activity surveys required by Condition of Approval 7.2, and prior to initial ground disturbance associated with pre-construction, construction, or decommissioning periods within in each Phase, Permittee shall have temporary barrier fencing (TBF) installed around the perimeter of the Phase that adjoins lands where Covered Species are known or suspected to occur. Permittee shall locate the TBF in a way that avoids Covered Species~~

burrows and, when possible, isolates them from the active work areas. The Designated Biologist(s) shall accompany the TBF construction crew to ensure that Covered Species are not killed or injured during this activity. Permittee shall ensure the TBF is constructed of 36-inch tall metal flashing buried 6 inches below grade. Permittee will construct the TBF so it is supported on one side (on the construction side of the fence) by stakes, posts of reinforcing bar, or T-posts. Permittee shall affix the TBF to the supports in a manner that will not allow Covered Species to climb the fence (e.g., bolts or fasteners must be a minimum of 18 inches apart). The TBF shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active pre-construction and construction periods. All openings in the TBF lines shall be constructed such that they prohibit Covered Species passage or passively direct the Covered Species back into suitable natural habitat. Permittee shall maintain the TBF as necessary. ~~Permittee shall also install the TBF around ground-disturbing O&M activities prior to starting said O&M activities.~~ The Designated Biologist(s) shall delineate the location of the TBF and shall accompany the construction crew to ensure that Covered Species are not killed or injured during O&M activities.

7.6.2 Permanent Storm Water Pond Exclusion Fencing. After pre-activity surveys required by Condition of Approval 7.2, Permittee shall fence the permanent storm water ponds to completely exclude Covered Species. The fence shall be at least six feet tall, buried at least two feet deep, and be fine enough at the bottom to exclude Covered Species. The design of the fencing shall incorporate a fine woven wire stainless steel mesh material for the base section that has openings no more than ¼-inch in size. This bottom portion shall be buried below grade a minimum of 24 inches and shall extend up above grade 36 inches. At the top of this portion of the fence, a jump and climb barrier shall be installed. The barrier shall be constructed of solid material sloped downward, out at least 12 inches from the vertical plane of the fence. Above this fine mesh section, a standard chain-link fence shall complete the fence up to the required six-foot height. The Designated Biologist shall inspect the pond exclusion fencing daily during construction, ground- or vegetation-disturbing O&M and decommissioning activities.

13. The second paragraph of Condition of Approval 8, pages 23 and 24 shall be amended to read:

To meet this requirement, Permittee shall provide for both the permanent protection and management of 5,692.6 acres of Habitat Management (HM) lands, assuming full build-out, pursuant to Condition of Approval 8.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.1. The mitigation sites proposed by Permittee to be used as HM lands for the Project are depicted in Figure 2 and shall comprise the 5,692.6 acres of CDFW-approved HM lands. The majority of the ~~4,894.41~~ **41,918.4** acres off-site HM lands are in similar condition to the Project Area in that the lands are being routinely disked and individuals of Covered Species are likely currently absent based on previously conducted biological surveys. Approximately 884 acres of off-site HM lands have not been routinely disked in the recent past and have reverted back to a more natural state. TKR have been trapped on 1-C and 9-C. This plus the conservation of the ~~3,798.23~~ **23,774.2** acres of on-site HM lands that will be managed for the Covered Species upon decommissioning of the Solar Sites or before the expiration of this ITP will provide sufficient habitat and linkage corridors for Covered Species to mitigate for the Project-related taking of Covered Species.

14. Condition of Approval 8.1.4, pages 25 and 26, shall be amended to read:

8.1.4. Long-term management funding as described in Condition of Approval 8.3, estimated at \$455.42/acre for 5,692.6 acres: **\$2,592,503.06**. ***This amount includes \$823,487.75 for pre-funding the Supplemental account that will be used for the management and monitoring of on-site HM lands after the 35-year interim management period has ended.*** Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

The MMRP has been amended to reflect the changes above and is included as an attachment to this Amendment No. 5.

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 Amendment No. 5 will not increase the amount of take of the Covered Species compared to the Project as originally approved and it is not expected that Amendment No. 5 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: Amendment No. 5 makes 7 specific changes to the ITP, as amended.

First, Amendment No. 5 clarifies the definition of the Bitterwater Switching Station.

Second, Amendment No. 5 increases the size of the Bitterwater Switching Station from 2 to 7 acres and adds a total of 24 acres associated with the Bitterwater Switching Station and its facilities to the Easements acreage. The Bitterwater Switching Station will be owned and operated by PG&E after construction who will seek their own take authorizations during O&M activities.

Third, Amendment No. 5 removes 24 acres of Easement from the on-site springing conservation easement requirement and clarifies that none of the lands identified as Easements will be subject to either the decommissioning or springing easement requirements.

Fourth, Amendment No. 5 modifies the Conditions of Approval to add protective measures resulting from the modifications made to the Project Description, which includes construction of storm water retention ponds.

Fifth, Amendment No. 5 modifies the off-site HM lands requirement by adding 24 acres to the off-site mitigation obligation to be completed before starting work on the Bitterwater Switching Station.

Sixth, Amendment No. 5 modifies the on-site HM lands requirement by subtracting 24 acres from the on-site springing conservation easement and decommissioning requirements.

Seventh, Amendment No. 5 replaces Figure 2 with a new Figure 2 that shows the location of the Bitterwater Switching Station and the additional 24 acres of off-site HM lands and adds Figure 3 to show the general design of the Bitterwater Switching Station.

Amendment No. 5 does not increase the amount of take of Covered Species. Amendment No. 5 increases the acreage of off-site HM lands that will be placed under a conservation easement prior to starting construction of the new Switching Station (Bitterwater Switching Station) and decreases the acreage of Solar Area that will be placed under a conservation easement at the end of the Project. The Project Area and methods of take remain unchanged.

Issuance of Amendment No. 5 does not affect CDFW's previous determination that issuance of the ITP, as amended, 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 December 2014 that the Project, as approved, met the standards for issuance of an ITP under CESA. CDFW determined in twice in February 2015 and in March 2015 that Amendments No. 1, No. 2, and No. 3 respectively to the ITP, 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 Amendment No. 5 because the Project and ITP as amended: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the Conditions of Approval and MMRP of the ITP, as amended, 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 Amendment No. 5.

Discussion: CDFW issued the ITP in December 2014, Amendment No. 1 in February 2015, Amendment No. 2 in February 2015, Amendment No. 3 in March 2015 and Amendment No. 4 in December 2016 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact report certified by Kern County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that Amendment No. 5 represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes that Amendment No. 5 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 Amendment No. 5 is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: Amendment No. 5 clarifies the definition of the Bitterwater Switching Station, increases the size of the Bitterwater Switching Station from 2 to 7 acres and adds a total of 24 acres associated with the Bitterwater Switching Station and its facilities to the Easements acreage, modifies the Conditions of Approval to add

protective measures resulting from the modifications made to the Project Description, which includes construction of storm water retention ponds, modifies the off-site HM lands requirement by adding 24 acres to the off-site mitigation obligation to be completed before starting work on the Bitterwater Switching Station, modifies the on-site HM lands requirement by subtracting 24 acres from the on-site springing conservation easement and decommissioning requirements and replaces Figure 2 with a new Figure 2 that shows the location of the Bitterwater Switching Station and the additional 24 acres of off-site HM lands. As described above, these changes will not increase the level of take, increase the amount of habitat impacted by the Project but will significantly change the scope or nature of the mitigation in that 24 more off-site acres will be immediately protected as HM lands and 24 fewer on-site acres will be protected as HM lands at the end of the 35-year Project life. Therefore, this Amendment will significantly modify the minimization, mitigation, or monitoring measures in the ITP, as amended. CDFW has determined that the change to the ITP, as amended, constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by Amendment No. 5 is not valid until Permittees sign and date the acknowledgement below, and returns one of the duplicate originals of Amendment No. 5 by registered first class mail to CDFW at:

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

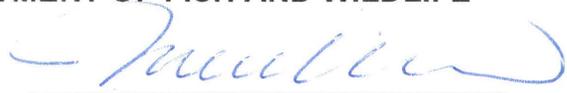
Attachment:

ATTACHMENT 1 Attachment 1 Mitigation Monitoring and Reporting Program
ATTACHMENT 2 Figure 2 HM Lands Map (On-Site and Off-Site)
ATTACHMENT 3 Figure 3 General Design of the Bitterwater Switching Station

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

12/9/19



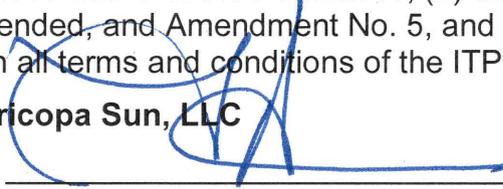
Julie A. Vance
Regional Manager
Central Region

Major Amendment No. 5
Incidental Take Permit 2081-2014-060-04
MARICOPA SUN, LLC
Maricopa Sun Solar Complex

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittees, (2) acknowledges receipt of the original ITP, as amended, and Amendment No. 5, and (3) agrees on behalf of the Permittees to comply with all terms and conditions of the ITP, as amended.

Maricopa Sun, LLC

By:  Date: 1/13/2020

Printed Name: Fazio Assemi Title: Managing Member

ATTACHMENT 1

Attachment 1 Mitigation Monitoring and Reporting Program

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2014-060-04

PERMITTEE: Maricopa Sun, LLC

PROJECT: Maricopa Sun Solar Complex

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP, on behalf of itself and all Co-Permittees. Before commencing Covered Activities, Permittee shall notify CDFW in writing of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.2	Before commencing Covered Activities / Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of one or more biological monitor(s) (Designated Biologist(s)) at least 30 days before starting Covered Activities for each Phase. Permittee shall ensure that each Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist(s) must be changed.	ITP Condition # 5.3	Before commencing Covered Activities / Entire Project	Permittee	
3	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work in each Phase during pre-construction, construction, O&M, or decommissioning periods. This includes but is not limited to construction personnel, facility operators, maintenance personnel, and landscape installation and maintenance personnel. The program shall consist of a presentation from the Designated 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, and their status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 5.5	Before commencing Covered Activities / Entire Project	Permittee	
4	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in closed (animal-proof) containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.7	Before commencing Covered Activities / Entire Project	Permittee	
5	Before starting Covered Activities within each Phase, Permittee shall clearly delineate the boundaries of the individual Phase 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 each Phase.	ITP Condition # 5.11	Before commencing Covered Activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 5.12	Before commencing Covered Activities / Entire Project	Permittee	
7	Permittee shall submit a SJAS and TKR salvage and translocation plan to CDFW prior to initiating Covered Activities in any portion of the Project Area known or suspected to be occupied by SJAS or TKR. Salvage activities shall not proceed until the SJAS and TKR salvage and translocation plan has been approved in writing by CDFW's Regional Representative. Once the SJAS and TKR salvage and translocation plan is approved by CDFW, it may be used for all SJAS and TKR salvage and translocation activities for the duration of the ITP. Any proposed changes to the SJAS and TKR salvage and translocation plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS and TKR salvage and translocation plan modifications.	ITP Condition # 6.3	Before commencing Covered Activities / Entire Project	Permittee	
8	The Designated Biologist(s) shall perform a pre-activity surveys for Covered Species no more than 14 days prior to ground- or vegetation-disturbing activities associated with pre-construction or construction activities for each Phase, and for all ground-disturbing O&M and decommissioning activities. Surveys shall provide 100 percent visual coverage of each disturbance area and a 500-foot buffer for the detection of Covered Species dens or burrows. If any TKR or SJAS are found which cannot be avoided, the Designated Biologist(s) shall relocate them from the impact area in accordance with Condition of Approval 6.3. A report documenting the results of the pre-construction surveys shall be submitted to CDFW within 14 days after performing any such survey and no less than five (5) days prior to starting Covered Activities within each Phase.	ITP Condition # 7.2	Before commencing ground-disturbing activities	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	<p>Exclusion Fencing.</p> <p>7.6.1 After pre-activity surveys required by Condition of Approval 7.2, and prior to initial ground disturbance associated with pre-construction, construction, or decommissioning periods within in each Phase, Permittee shall have temporary barrier fencing (TBF) installed around the perimeter of the Phase that adjoins lands where Covered Species are known or suspected to occur. Permittee shall locate the TBF in a way that avoids Covered Species burrows and, when possible, isolates them from the active work areas. The Designated Biologist(s) shall accompany the TBF construction crew to ensure that Covered Species are not killed or injured during this activity. Permittee shall ensure the TBF is constructed of 36-inch tall metal flashing buried 6 inches below grade. Permittee will construct the TBF so it is supported on one side (on the construction side of the fence) by stakes, posts of reinforcing bar, or T-posts. Permittee shall affix the TBF to the supports in a manner that will not allow Covered Species to climb the fence (e.g., bolts or fasteners must be a minimum of 18 inches apart). The TBF shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active pre-construction and construction periods. All openings in the TBF lines shall be constructed such that they prohibit Covered Species passage or passively direct the Covered Species back into suitable natural habitat. Permittee shall maintain the TBF as necessary. Permittee shall also install the TBF around ground-disturbing O&M activities prior to starting said O&M activities. The Designated Biologist(s) shall delineate the location of the TBF and shall accompany the construction crew to ensure that Covered Species are not killed or injured during O&M activities</p> <p>7.6.2 After pre-activity surveys required by Condition of Approval 7.2, Permittee shall fence the permanent storm water ponds to completely exclude Covered Species. The fence shall be at least six feet tall, buried at least two feet deep, and be fine enough at the bottom to exclude Covered Species. The design of the fencing shall incorporate a fine woven wire stainless steel mesh material for the base section that has openings no more than ¼-inch in size. This bottom portion shall be buried below grade a minimum of 24 inches and shall extend up above grade 36 inches. At the top of this portion of the fence, a jump and climb barrier shall be installed. The barrier shall be constructed of solid material sloped downward, out at least 12 inches from the vertical plane of the fence. Above this fine mesh section, a standard chain-link fence shall complete the fence up to the required six-foot height. The Designated Biologist shall inspect the pond exclusion fencing daily during construction, ground- or vegetation-disturbing O&M and decommissioning activities.</p>	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	Permittee shall establish a 50-foot buffer, using flagging, if a potential SJKF den (one that shows evidence of current use or was used in the past) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert) during all ground-disturbing Covered Activities. Permittee shall establish a buffer of at least 100 feet, using fencing, if a known SJKF den is discovered. Permittee shall establish a buffer of at least 200 feet, using fencing, if a natal den (den in which SJKF young are reared) is discovered. Permittee shall avoid natal dens with pups by at least 500 feet. Buffer zones shall have restricted entry. Permittee shall not allow any ground-disturbing activities within the buffer zones. Permittee shall notify the USFWS and CDFW's Regional Representative immediately by telephone or e-mail if any SJKF dens, natal dens or atypical dens are discovered in or adjacent to any areas proposed for ground-disturbing activities.	ITP Condition # 7.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
11	During all Project periods, any burrows present within the Project Area to be disturbed that are suspected or known to be occupied by SJAS or TKR and that cannot be avoided by a 25-foot avoidance buffer shall be live trapped by the Designated Biologist(s) prior to the initiation of ground-disturbing activities and after barrier fencing is installed in the occupied locations. The Designated Biologist shall trap and relocate SJAS and TKR to the CDFW-approved release sites identified in the SJAS and TKR salvage and translocation plan (Condition of Approval Error! Reference source not found.).	ITP Condition # 7.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee / Designated Biologist(s)	
12	The Designated Biologist(s) shall fully excavate by hand any known or suspected SJAS or TKR burrows present within the portion of the Project Area to be disturbed by earthwork (e.g., clearing, grubbing, blading, scraping, excavating, filling, trenching, facility/structure removal, etc.) and allow any remaining SJAS and TKR an opportunity to escape or be captured by hand as necessary following live-trapping activities conducted to address Condition of Approval 7.9. This Condition of Approval does not apply to SJAS or TKR burrows that will be disturbed only by foot traffic or rubber-tired vehicle traffic. Any SJAS or TKR encountered in excavated burrows during their active period shall be allowed to escape to the adjacent habitat (if suitable habitat exists) or if captured shall be relocated to the CDFW-approved release sites identified in the SJAS and TKR salvage and translocation plan (Condition of Approval 6.3). The Designated Biologist(s) shall collect and move any dormant SJAS or TKR encountered to an artificial burrow installed at the CDFW-approved release sites.	ITP Condition # 7.10	Before commencing ground-disturbing or vegetation-disturbing activities / Entire Project	Designated Biologist(s)	
13	"Soft-release" methods in cages with artificially constructed burrows shall be used at receiver sites for TKR. "Hard-release" methods shall be used at receiver sites for SJAS. Seed caches and seed stores found with live-trapped TKR or SJAS or in excavated burrows shall be relocated with the associated individual TKR or SJAS and shall be placed within the release cages and/or artificial burrows.	ITP Condition # 7.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist(s)	
14	Permittee shall provide for both the permanent protection and management of 5,692.6 acres of Habitat Management (HM) lands, assuming full build-out, pursuant to Condition of Approval 8.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.1. The mitigation sites proposed by Permittee to be used as HM lands for the Project are depicted in Figure 2 and shall comprise the 5,692.6 acres of CDFW-approved HM lands.	ITP Condition # 8	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<p>For each of the six Phases of the Project, prior to initiating ground- or vegetation-disturbing activities or other Covered Activities for that Phase, Permittee shall either: (1) permanently preserve (e.g., transfer title or record conservation easements), as described in Tables 1 and 2 and Condition of Approval 8.2, at least 320 acres of off-site HM lands and 640 acres of on-site HM lands and deposit with a qualified endowment holder sufficient endowment funds to immediately manage the off-site HM lands and supplemental endowment funds to manage the on-site HM lands starting after decommissioning, but before expiration of the ITP, with the required endowment amount determined by a Property Analysis Record (PAR) or PAR-equivalent analysis prepared by Permittee and approved by CDFW for that mitigation Phase, as specified in Condition of Approval 8.1; or (2) provide CDFW with Performance Security in the form of an irrevocable letter of credit or another form of security approved in advance in writing by CDFW's Office of General Counsel (as identified in Conditions of Approval 8.1 and 9) to offset impacts for that particular Phase. At no time may the cumulative acreage disturbed by the Project, or any given Phase of the Project, exceed what has already been proportionally mitigated for or secured in advance as described above.</p> <p>If the Performance Security option is used, Permittee shall complete the permanent protection and funding for perpetual management of HM lands within 18 months of the effective date of CDFW receiving the Performance Security for Phase 1 and every other Phase shall proceed in this manner.</p>	ITP Condition # 8	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	<p>Permittee shall take all commercially reasonable steps (e.g., instituting and diligently prosecuting proceedings pursuant to California Civil Code Section 883.220 et seq. or obtaining quitclaim deeds) to terminate, extinguish, or otherwise permanently and irrevocably prevent the exercise of any and all mineral rights that allow significant access to the surface of or may otherwise adversely impact the habitat values of C-9 and C-10, which comprise the off-site portion of the HM lands for Phase 1. Alternatively, Permittee shall take all reasonable steps to come to a compromise to limit surface access to HM lands. Where mineral right access is granted, that acreage shall not be included in the acreage necessary to meet the stated HM land goals and additional replacement HM lands shall be provided on an acre for acre basis.</p> <p>Permittee shall provide CDFW with a complete title report for each parcel included in the HM lands, for that specific Phase, at least 90 days prior to commencing any ground-disturbing or vegetation-disturbing activities or other Covered Activities.</p>	ITP Condition # 8	Before commencing Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	<p>i) Land acquisition costs for HM lands identified in Condition of Approval 8.2, estimated at \$4,300.00/acre for 5,692.6 acres: \$24,478,180.00. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;</p> <p>ii) Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.5, estimated at \$665,440.00;</p> <p>iii) Interim management period funding as described in Condition of Approval 8.2.6, estimated at \$12,338,480.00;</p> <p>iv) Long-term management funding as described in Condition of Approval 8.3, estimated at \$455.42/acre for 5,692.6 acres: \$2,592,503.06. <i>This amount includes \$823,487.75 for pre-funding the Supplemental account that will be used for the management and monitoring of the on-site HM lands after the 35-year interim management period has ended.</i> Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>v) Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.4, estimated at \$12,000.00/Phase: \$72,000.00.</p>	ITP Condition #8.1	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
18	Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816 and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e)	ITP Condition #8.2.1	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
19	Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition #8.2.2	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition #8.2.3	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	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 managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition #8.2.4	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	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 final management plans for CDFW approval (see https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition #8.2.5	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
23	Provide for the interim management of the HM lands. Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plans and conservation easements approved by CDFW. The interim management period shall be 35 years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected annual management following start-up activities. Interim management period activities described in the final management plans shall include initial fence installation, enhancement activities, fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, species surveys, and potentially grazing management, depending on site conditions. Permittee shall either: (1) provide a security to CDFW for a minimum of three years of capital improvements and interim management per Phase for the duration of the 35-year Interim Habitat Management Plan (IHMP) that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense. If security is provided for a continuous three-year period over the 35-year life of the IHMP, the security amount shall be adjusted annually to account for inflation and changes in management activities; (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.	ITP Condition #8.2.6	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<p>Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP and the final management plans and conservation easements 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 plans required by Condition of Approval 8.2.6. The Endowment will be set up initially for the benefit of the off-site HM lands on a per Phase basis. Supplemental funding for on-site HM lands on an individual solar development basis will be provided in a separate account, which will grow to provide the necessary endowment for the on-site HM lands at year 35. At year 35, the Supplemental funding will be added to the Endowment. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plans. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easements, and the final management plans. Such activities shall be funded through the Endowment</p>	ITP Condition #8.3	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	<p>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 Manger 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) copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4). Once the endowment amount has been calculated per Condition of Approval 8.3.2, and funds deposited per Condition of Approval 8.3.3 for the first Phase, changes in the Endowment Manger for subsequent Phases shall be allowed only with an Amendment to the ITP and a revised endowment fund amount, calculated per Condition of Approval 8.3.2.;</p>	ITP Conditions #8.3.1	Before commencing Covered Activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	After obtaining CDFW written approval of the HM lands, long-term management plans, and Endowment Manager for each Phase, Permittee shall prepare for each Phase a PAR or PAR-like equivalent analysis to calculate the amount of funding necessary to ensure the long-term management for each Phase of the off-site HM lands (Endowment Deposit Amount). Permittee shall submit to CDFW for review and approval the results of each PAR before transferring funds for each Phase to the Endowment Manager. The cost estimates in the PAR are based on evaluations at the time the analysis is completed. To consider the interim lapse between Phases and the subsequent deposit of the endowment funds, the endowment costs for each Phase shall be adjusted annually based on the most recent Gross Domestic Product (GDP) Deflator as published by the United States Bureau of Economic Analysis. All calculations used to derive the newly adjusted endowment amount shall be submitted to CDFW Regional Representative no more than 30 days prior to deposit into the Endowment Fund. Similarly, a PAR and annual adjustments shall be made to calculate the Supplemental funds to be deposited as on-site HM lands are recorded that will provide long-term management for each individual solar development at the end of the 35-year term of this ITP.	ITP Conditions #8.3.2	Before commencing Covered Activities	Permittee	
27	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.	ITP Conditions #8.3.2.1	Before commencing Covered Activities	Permittee	
28	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: <ul style="list-style-type: none"> • A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • The endowment shall be established assuming spending will not occur for the first three years after full funding. • 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. 	ITP Conditions #8.3.2.2	Before commencing Covered Activities	Permittee	
29	Permittee shall transfer the long-term Endowment Funds for each Phase to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The Supplemental funds for the on-site HM lands shall be kept in a separate account not to be drawn upon for the first 35 years. At year 35, the Supplemental funds shall be added to the Endowment Fund account. 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. If Permittee elects to deposit endowment funds in phases, the Endowment Fund Manager shall place all deposits into a single Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate code sections 18501-18510, as amended.	ITP Conditions #8.3.3	Before commencing Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM Lands to CDFW.	ITP Conditions #8.4	Before commencing Covered Activities	Permittee	
DURING CONSTRUCTION					
31	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) shall have authority to immediately stop any activity that is not in compliance with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 5.4	Entire Project	Designated Biologist(s)	
32	The Designated Biologist(s) may authorize biological monitors to assist in ITP compliance efforts, under the direct supervision of the Designated Biologist(s). The Designated Biologist(s) is responsible for assuring that any biological monitors working under his or her supervision is knowledgeable and experienced in the biology and natural history of the Covered Species, the Conditions of Approval of the ITP, the definition of "take" in CESA, and in implementation of standard avoidance and minimization measure used on construction projects in Covered Species' habitat.	ITP Condition # 5.4.1	Entire Project	Designated Biologist(s)	
33	The Designated Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period (until completion of all Phases) which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project Area upon request by CDFW.	ITP Condition # 5.6	Entire Project	Designated Biologist(s)	
34	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 5.8	Entire Project	Permittee	
35	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.9	Entire Project	Permittee	
36	Permittee shall prohibit firearms and domestic dogs at the Project Area and Project Area access routes during Covered Activities, except those in the possession of authorized security personnel or federal, state, or local law enforcement officials.	ITP Condition # 5.10	Entire Project	Permittee	
37	Project-related personnel shall access the Project Area using existing routes (and the new routes identified in the Project Description) and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval of the specific route before carrying out such an activity. CDFW may require an amendment to the ITP if additional take of Covered Species may result from Project access modification.	ITP Condition # 5.13	Entire Project	Permittee	
38	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and all other surface-disturbing activities to the Project area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species habitat outside of the marked Project Area unless provided for in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	Permittee shall immediately stop work 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 of construction-related hazardous materials from the Project Area upon completion of construction activities and shall properly contain and dispose of any unused or leftover construction-related hazardous products off-site. Any hazardous materials stored on-site during construction or O&M shall be the minimum necessary for Project implementation and shall be stored in contained areas that preclude exposure to wildlife.	ITP Condition # 5.15	Entire Project	Permittee	
40	Permittee shall provide CDFW staff with reasonable access to the Project Area and HM lands under Permittee's control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.16	Entire Project	Permittee	
41	The Designated Representative shall notify CDFW 14 days before starting Covered Activities in each Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities in each Phase.	ITP Condition # 6.1	Entire Project	Designated Representative	
42	The Designated Representative shall immediately notify CDFW in writing if it determines that Permittee or any Co-Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Designated Representative	
43	The Designated Biologist shall be on-site daily for the duration of the day on which ground-disturbing activities are initiated and on any day when ground disturbance occurs in any footprint with vegetation, small mammal burrows, and/or where potential Covered Species dens or burrows do or may occur during all Project periods. If such ground-disturbing activities are occurring in more than one location simultaneously, such monitoring shall occur at all locations. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of the Covered Species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Representative or Designated 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 the ITP. The Designated Biologist(s) shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed in any portion of the Project Area during the pre-construction or construction period of any Phase.	ITP Condition # 6.4	Entire Project	Permittee	
44	The Designated Biologist(s) shall maintain a record of all SJAS and TKR observed or handled during salvage efforts. This record shall include for each animal: (a) the locations (Global Positioning System [GPS] coordinates and maps) and time of capture and/or observation as well as release; (b) sex; (c) approximate age (adult/juvenile); (d) weight; (e) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (f) ambient temperature when handled and released.	ITP Condition # 6.5	Entire Project	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	For the duration of the pre-construction and construction periods for each Phase, the Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Conditions of Approval Error! Reference source not found. 4 and Error! Reference source not found. 5 into a Quarterly Compliance Report on behalf of Permittee and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior quarter, and a total since ITP issuance. Quarterly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of the ITP and by e-mail to CDFW's Regional Representative. At the time of the ITP's approval, the CDFW Regional Representative is Lisa Gymer (lisa.gymer@wildlife.ca.gov). Quarterly Compliance Reports shall be submitted to CDFW no later than day 15, of the month, for every quarter beginning with issuance of the ITP. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.6	Entire Project	Permittee	
46	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from pre-construction surveys (e.g., number of times a Covered Species or a den or burrow was encountered, location, if avoidance was achieved, if not, what other measures were implemented (i.e., SJAS and TKR salvage and translocation plan)); (7) Covered Activities undertaken during O&M or emergency related activities, and other Covered Activities undertaken during the reporting year; (8) an accounting of the number of acres subject to disturbance, both for the prior calendar year and a total since ITP issuance; (9) all relevant information concerning Permittee's efforts to agree to specific delineated areas in which to explore and extract minerals any HM lands with severed mineral rights, pursuant to Condition of Approval 8; and (10) information about other Project impacts on the Covered Species.	ITP Condition # 6.7	Entire Project	Permittee	
47	The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.10	Entire Project	Permittee	
49	To monitor the performance of the on-site HM lands (see Figure 2) for the Covered Species, Permittee shall fund a CDFW-approved qualified biologist to monitor Covered Species movement on and use of the on-site HM lands. The monitoring program shall be developed in coordination with CDFW's Regional Representative and the United States Fish and Wildlife Service (USFWS), and approved in writing by CDFW prior to finalization. At a minimum, monitoring shall consist of the qualified biologist conducting walking transects, den inspections, and camera station deployment as described in the Covered Species Tier 1 and Tier 2 survey methodology in the draft Interim Habitat Management Plan (Condition of Approval 8.2.6.). Covered Species monitoring for the life of the ITP shall serve to determine the following, at a minimum: <ul style="list-style-type: none"> • whether Covered Species avoid on-site HM lands; • whether Covered Species utilize on-site HM lands proportionally to their availability or different from the off-site HM lands; • what type of use is exhibited (e.g., denning or foraging); • seasonal differences in use; and whether predation of Covered Species is different on on-site HM lands than on off-site HM lands. 	ITP Condition # 6.11	Entire Project	Permittee	
50	If the monitoring required in Condition of Approval 6.11 detects significantly less proportional use of on-site HM lands and adjacent habitat by the Covered Species as compared with use on off-site HM lands or significantly greater Covered Species predation on the on-site HM Lands, then Permittee shall consult with CDFW and the USFWS to determine additional management actions and monitoring that Permittee shall implement within the Project Area, if necessary, including management of vegetation, SJKF or predator prey bases, and predator subsidies.	ITP Condition # 7.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	Permittee shall install perimeter security fencing (PSF) around the entirety of the Solar Site for each Phase or around each solar development within each Phase. The PSF shall not impede Covered Species movements and shall be installed such that identified 50-foot wide Movement Corridors are located outside of the fence. The Designated Biologist(s) shall accompany the PSF construction crew to ensure that Covered Species are not killed or injured during this activity. PSF shall consist of: 1) chain link fencing with the bottom of the fence raised 4-6 inches above the ground with the fencing material wrapped back or knuckled under to allow SJKF to pass through unimpeded. The Designated Biologist(s) shall monitor the PSF at least once weekly during the SJKF pupping season (March 1 through August 31). In the event an ensnared fox is detected, plastic fencing slats shall be installed for the entire length and full height of the chain link fencing, or another configuration that is approved in advance and in writing by CDFW, to prevent additional SJKF pups from becoming ensnared; 2) wire fencing designed to exclude deer, with openings graduated from 3 inches square to 6-7 inches and shall be installed inverted, with the larger openings at the bottom to allow SJKF to pass through; or 3) an alternate design approved in advance and in writing by CDFW.	ITP Condition # 7.3	Entire Project	Permittee	
52	If additional chain link fencing is proposed in any location besides the Solar Sites perimeter (e.g., around substations, O&M building(s), etc.) and maintaining permeability (4-6 inch gap, as described in Condition of Approval 7.3) between the fencing material and the ground is not feasible or desirable, then Permittee shall install plastic fencing slats concurrent with fence installation, for the entire length and full height of the non-permeable chain link fencing, unless another configuration is approved in advance and in writing by CDFW.	ITP Condition # 7.4	Entire Project	Permittee	
53	Permittee shall install a 3- or 4-strand barbwire cattle fence along the outside edge of the identified 50-foot Movement Corridors at the time the adjoining Solar Site is developed. The Designated Biologist(s) shall accompany the Movement Corridor fence construction crew to ensure that Covered Species are not killed or injured during this activity.	ITP Condition # 7.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	<p>For active dens, dens known to be active, and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) within the portion of the Project Area to be disturbed and that cannot be avoided as per Condition of Approval 7.7, if, after five consecutive days of monitoring with tracking medium or infrared camera the Designated Biologist(s) has determined that SJKF is not currently present, the den may be destroyed. Permittee shall block the den rather than destroy it if the den itself is not within the disturbance footprint, and unblocked within 48 hours of completion of construction activities. Any hole 3 inches or larger and exhibiting no signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Permittee shall not excavate natal dens until the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individual SJKF is inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den. Permittee shall contact CDFW and the USFWS and get written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction or blockage if an individual SJKF does not vacate a den in the disturbance footprint within a reasonable timeframe.</p>	ITP Condition # 7.8	Entire Project	Permittee / Designated Biologist(s)	
55	<p>To prevent the inadvertent entrapment of the Covered Species, the Designated Biologist(s) shall:</p> <ul style="list-style-type: none"> • Inspect all excavations (covered or open) for entrapped animals at the beginning, middle, and end of each day until the excavation is backfilled, including weekends and any other non-work days; • Inspect all excavated holes and trenches for animals immediately before the excavation is backfilled; • Ensure all trenches, holes and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are up to 4 feet deep shall be covered when workers or equipment are not actively working in the excavation or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope; • Ensure all trenches, holes and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than 4 feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day; • Ensure the outer 2 feet of excavation covers conform to solid ground so that gaps do not occur between the cover and the ground. Covering such gaps with dirt or laying covers on excavated soil will not satisfy this requirement. The outer 2 feet of cover material shall be semi-rigid and secured to the ground to preclude animals from lifting the edge (hardware cloth shall be used unless another material is approved by CDFW). The edges of the covers shall be secured with re-bar, minimum 10 inch soil staples, or similar means every 12 inches to prevent animals from lifting the edges; and • If at any time a trapped or injured animal is discovered, the Designated Biologist(s) shall notify CDFW within one working day of the incident. 	ITP Condition # 7.12	Entire Project	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
56	Designated Biologist(s) shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 1.5 inches or greater, that are stored at the construction site for one or more overnight periods, before the pipe is subsequently moved, buried, or capped. Permittee shall not move that section of pipe if a Covered Species is discovered inside until the animal has escaped on its own.	ITP Condition # 7.13	Entire Project	Designated Biologist(s)	
57	Permittee shall conduct Covered Activities only during daylight hours (sunrise to sunset) except for emergency response and security patrols during pre-construction, construction, O&M, and decommissioning periods of the Project, O&M activities that must occur during energy down times, and for Covered Species monitoring surveys. Any vehicle traffic necessary during nighttime hours associated with emergency response, security, O&M activities, or surveys shall be conducted with extra caution to minimize impacts to Covered Species. Permittee shall notify CDFW as soon as possible and no later than 24 hours after commencement of any nighttime emergency or O&M activities.	ITP Condition # 7.14	Entire Project	Permittee	
58	Permittee shall complete mobile equipment fueling and maintenance at least 100 feet from Covered Species dens or burrows. Permanent and semi-permanent equipment fueling and maintenance areas shall be initially located at a distance of at least 100 feet from Covered Species dens, burrows, or precincts, and shall include permanent containment devices that will preclude fuel or other liquids from exiting the equipment fueling maintenance area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling locations.	ITP Condition # 7.15	Entire Project	Permittee	
59	Permittee shall not park vehicles on top of or within 25 feet of Covered Species dens or burrows	ITP Condition # 7.16	Entire Project	Permittee	
60	Permittee shall ensure that all Project-related vehicles and equipment observe a maximum 20MPH speed limit during daylight hours and a maximum 10MPH speed limit during nighttime hours in the Project Area, except on county roads and state and federal highways, during all Project periods.	ITP Condition # 7.17	Entire Project	Permittee	
61	Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, cast light on Covered Species' habitat beyond the footprint of permanent or temporary Project facilities between sunset and sunrise. Permittee shall not use motion-triggered lighting (including visible spectrum and infrared) in solar panel arrays or elsewhere on the Project Area except within or at the perimeter of permanent and temporary buildings or covered assembly areas. Permittee shall ensure that exterior, fixed lighting at all Project facilities is used only when people are present, unless required by federal, state, or local law.	ITP Condition # 7.18	Entire Project	Permittee	
62	Permittee shall not use rodenticides in the Project Area. If non-listed rodents become a safety issue, Permittee shall remove them through trapping or other method pre-approved in writing by CDFW. Permittee shall restrict the use of herbicides and used only when necessary (when mechanical removal is infeasible or ineffective) following all applicable rules and regulations.	ITP Condition # 7.19	Entire Project	Permittee	
63	Workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move on its own to a safe location. Alternatively, the Designated Biologist(s) shall be contacted to determine if the animal may be safely moved within the Conditions of Approval of the ITP.	ITP Condition # 7.20	Entire Project	Permittee / Project Workers	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
64	During Project implementation, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. Permittee shall cease all work in the vicinity of the Covered Species, which could injure or kill the animal, until the Covered Species is moved by the Designated Biologist(s) or it moves from the construction area of its own accord.	ITP Condition # 7.21	Entire Project	Permittee / Project Workers / Designated Biologist(s)	
65	If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility to be used before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval Error! Reference source not found. 0. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.22	Entire Project	Permittee / Designated Biologist(s)	
POST-CONSTRUCTION					
66	Upon completion of Covered Activities in each Phase, Permittee shall remove and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.17	Post-construction	Permittee	
67	Within 30 days of ITP expiration, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.9	Post-construction and after expiration of the ITP	Permittee	
68	CDFW accepts the Final Mitigation Report as complete.		Post-construction	CDFW	

ATTACHMENT 2

Figure 2 HM Lands Map (On-Site and Off-Site)

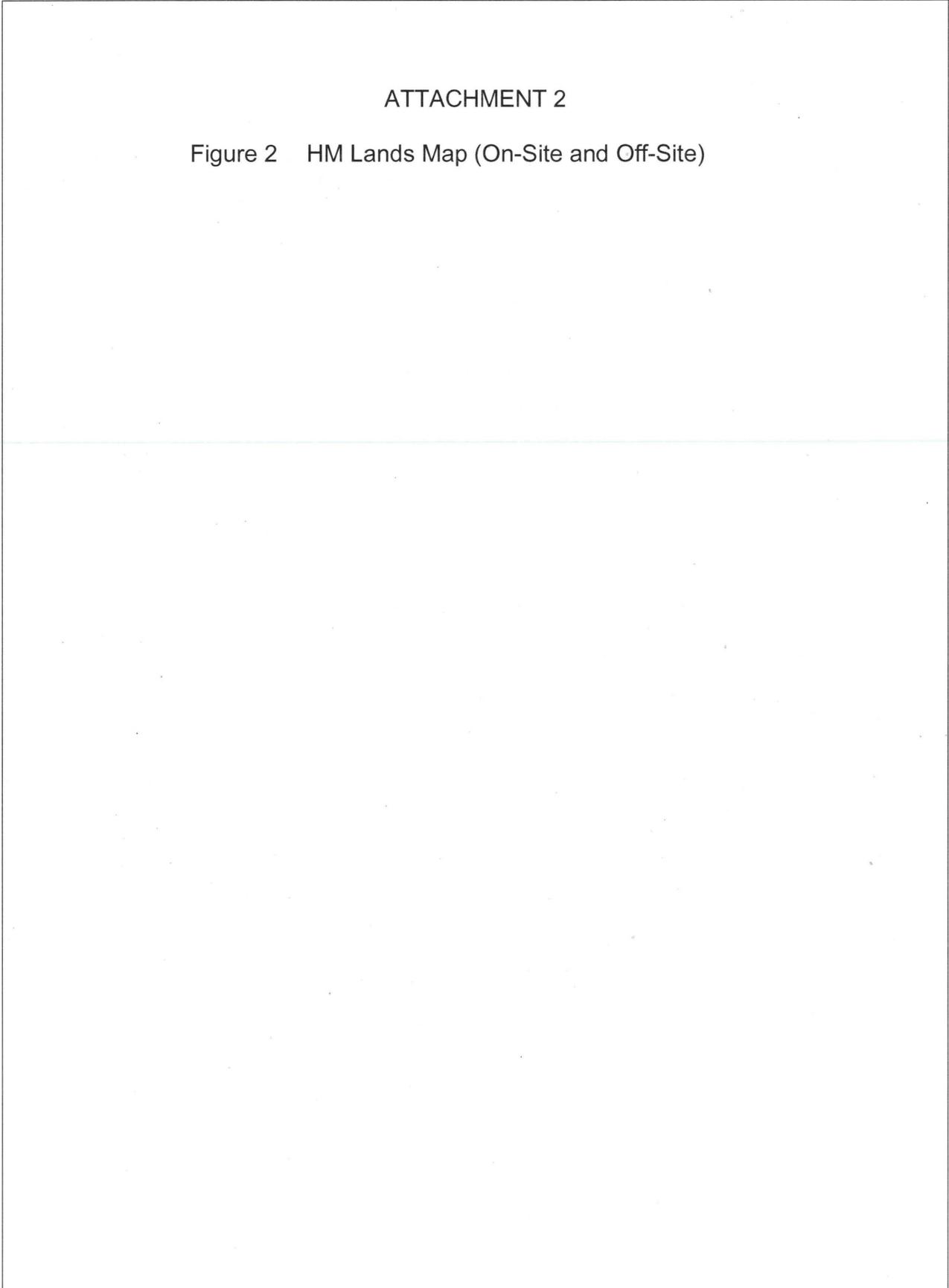
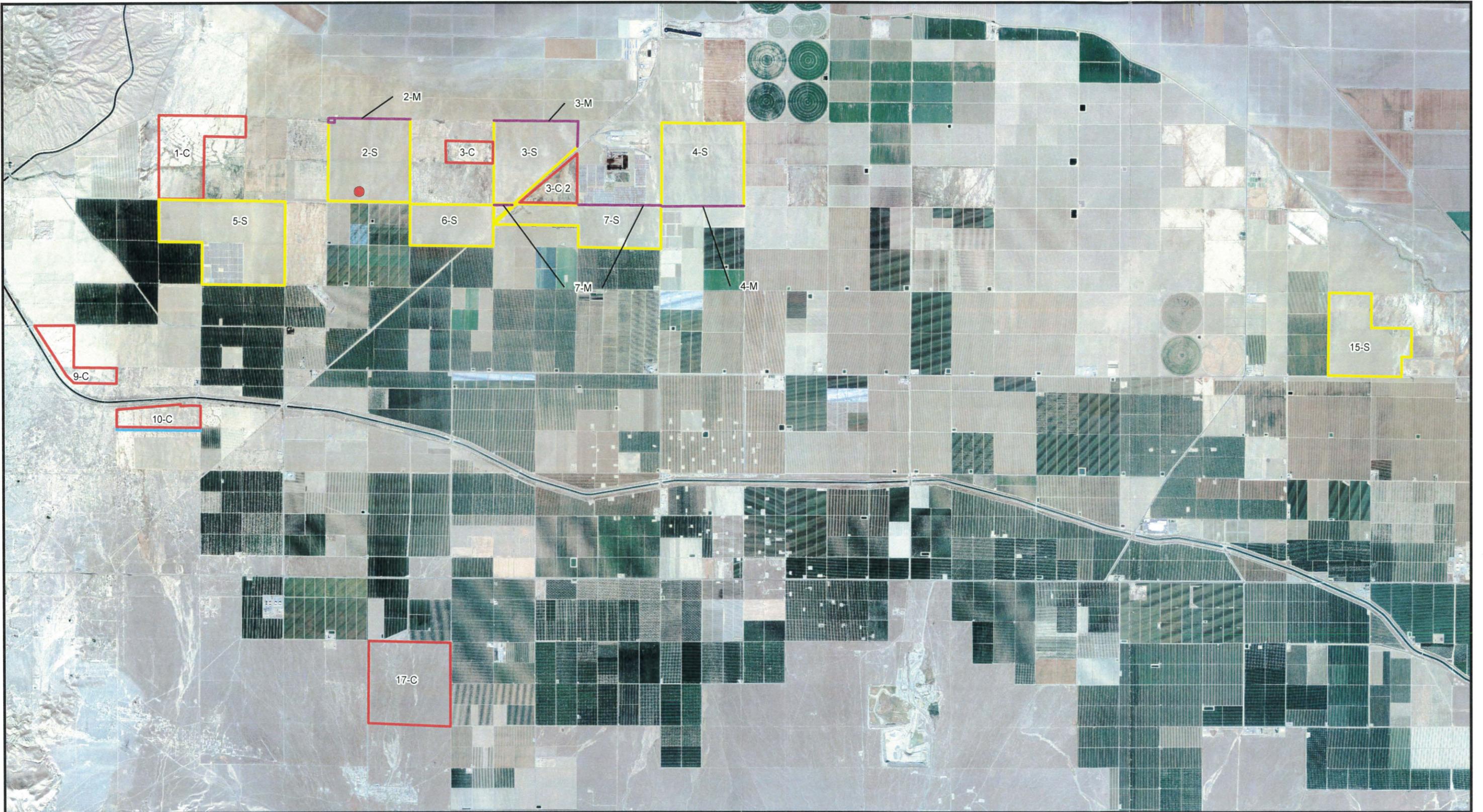


Figure 2 HM Lands Map (On-Site and Off-Site)



Maricopa Sun Solar Complex



Switching Station



Movement Corridor



Solar Site



Mitigation Site



24 Acres Additional Mitigation Site for Amendment #4



0 1
Miles

QK Sources:
ESRI

ATTACHMENT 3

Figure 3 General Design of the Bitterwater Switching Station

