

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD
RANCHO CORDOVA, CA 95670



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2018-057-02-A1
Rancho Seco Solar II, LLC
Rancho Seco Solar II Project in Sacramento County

INTRODUCTION

On August 6, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-057-02 (ITP) to Rancho Seco Solar II, LLC (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (collectively, the Covered Species) associated with and incidental to the Rancho Seco Solar II Project in Sacramento, California (Project). The Project as described in the ITP as originally issued by CDFW includes construction of a new solar array and subsequent operation of the solar facility. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

The ITP was originally issued based on 30% design drawings. The Project has now completed the design and Issued for Construction 100% final design drawings. As such, the updated design allows for improved constructability of the Project in an efficient, cost effective, and timely manner, reducing potential permanent, temporary, and indirect impacts. The updates to the design have resulted in an overall decrease of impacts to the Covered Species and its habitat. While Project activities are the same as those permitted at 30% design, the Permittee has requested the ITP: 1) reflect the final design, 2) update the Permittee's principal officer, 3) update the Project Description, and 4) reevaluate the Project's mitigation requirement considering efforts to decrease the Project's impact on the Covered Species.

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

1. Updating the Permittee's Principal Officer (Change 1)
2. Updating the Project Description (Changes 2-6)
3. Updating the Project's impacts and corresponding mitigation (changes 7-8)
4. Updating the ITP's attached figures and maps (Change 9)

AMENDMENT

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

1. The ITP, page 1 shall be amended to read:

~~**Principal Officer:** Juan Suarez, Director EPC
Contact Person: Juan Suarez, (505) 218-2935
Mailing Address: 909 Lake Carolyn Parkway, Suite 260
Irving, Texas 75039~~

Principal Officer: Chris Clevenger
Contact Person: Chris Clevenger
212-478-0504
Mailing Address: 1166 Avenue of the Americas, 9th Floor
New York, NY 10036
chris.clevenger@deshaw.com

2. The ITP Project Description for Access Road Construction, pages 2-3 shall be amended to read:

Access Road Construction

Primary access to the Project site during construction and operation will be from Twin Cities Road or Clay East Road. A permanent ~~earth or gravel road~~ **access road**, 12 to 20 feet wide, will be constructed throughout the site to allow construction of the PV modules, provide access to the solar equipment and accommodate on-going maintenance of the solar facilities and emergency vehicles.

3. The ITP Project Description for Access Road Culvert Construction, page 3 shall be amended to read:

Access Road ~~Culvert~~ Crossing Construction

~~There are approximately 23 locations where access roads will cross ephemeral drainages and wetland swales. A total of 24 culverts will be constructed at these crossings. Culverts will either be corrugated metal pipe or reinforced concrete pipe with un-grouted rock energy dissipaters to protect against scour. Culverts will have a 4:1 max slope and will have a length of between 18 feet and 20 feet on either side of the access road. 24 inches of course filter aggregate will be placed in the bed of the~~

~~drainages and swales. Construction of the culverts will involve grading to remove all vegetation within the culvert footprint, grading the soil from the drainage bed approximately 1-foot down and backfilling the excavated area with compacted subbase rock. The culvert will be placed on the subbase and covered with soil to match the grade of the new access road.~~

There are approximately 23 locations where access roads will cross ephemeral drainages and wetland swales. Where access roads are required to cross ephemeral drainages and wetland swales, appropriate low water crossings would be installed with the minimal amount of fill material necessary. These crossings have an armored surface allowing a vehicle to pass through and not sink into mud conditions. Low Water Crossings will be installed for access road connection. An access road shall cross a channel as close to 90-degrees as possible. Perimeter sediment controls will be applied during installation. Appropriate subgrade elevation will be applied to ensure the finished access road surface allows for water to flow through the channel unimpeded and without ponding upstream of the road or on the road surface.

Check dams will be installed temporarily and additional sediment control measures as necessary upstream of protected crossings. In certain watercourses the contractor will place 8-inch to 12-inch diameter rock or gravel bags, in the line of flow to slow the water speed and collect sediment. This is a temporary measure that will be taken out once the Project is completed and stable.

For the Project to communicate and coordinate with the utility, fiber lines will be installed. Individual trenches will be approximately three (3) feet deep with the fiber placed at the bottom and sometimes shared with other cables in a protected covering, then covered with fill dirt/sand and compacted to match surrounding surface conditions.

4. The ITP Project Description for Overhead and Unground Lines, page 4 shall be amended to read

Overhead and Unground Lines

The power from the solar arrays will be collected behind the solar panels, aggregated and directed via underground direct buried cable next to the Power

Conversion Stations (PCS). The underground cable will be installed using an open trench technique within the solar arrays. Trenches for the cable will be approximately 3-feet to 5-feet deep and 2-feet to 4-feet wide. The trenches will be backfilled, and previous contours restored to the maximum extent feasible. If necessary, the bottom of the trench will be filled with sand to provide a protective bedding for the cables. Approximately 330 utility poles would be needed to create the overhead medium voltage alternating current lines. Each pole will be spaced 150-feet apart and require a 60-inch disturbance area. Pole lines are connected to the switchyard.

The Project will have medium voltage (MV) lines (34,500 Volts AC) going from the PCS to the substation via collector lines. These MV lines are underground inside the array, connecting each PCS to one another. Where the MV lines exit the array they will come to the surface from underground and connect to an overhead pole through riser structures and then the MV cable goes overhead to the substation where the lines are converted to the transmission voltage of 230,000 Volts. The overhead cable will be brought back underground and be bored underneath critical impact areas. This boring process will utilize a pneumatic and hydro fluid with a hole of approximately 6-inch in diameter beneath critical impact areas. The AC conductor will be placed inside this hole allowing for the electrical connection.

5. The ITP Project Description for Preventative Maintenance, page 5 shall be amended to read

Preventative Maintenance

The Project would operate 7 days per week during daylight hours. There may be one regular onsite employee and additional personnel may visit the site to monitor and maintain if needed. The Permittee will be conducting maintenance throughout the facility. Table 1 identifies 21 common maintenance tasks to be performed regularly through the life of the Project. Each activity will commonly be carried out by 2 technicians using the defined access roads or uncommon use of foot travel/all-terrain vehicles throughout the array. Activities are anticipated to take a few days each, but given the size of the Project site, maintenance may occur over longer periods. Preventative maintenance will begin in some Project areas while other areas are currently under construction.

6. The ITP Project Description for Vegetation Control, page 7 shall be amended to read:

Vegetation Control

Vegetation will be managed to maintain habitat for the Covered Species and minimize fire risks. This will be accomplished through a combination of manual equipment (mowing), herbicide applications (within 30 feet of the inverter stations), and sheep grazing, if feasible. Onsite vegetation would be regularly mowed or grazed as part of operations and management, but no earth disturbance would be employed for vegetation management. Onsite mowing would occur 1-2 times per year if a grazing method is not employed. In addition to mowing, sheep grazing, weed whacking, or hand pulling will be used to manage vegetation growth, and control invasive species. Mowing is anticipated to be timed later in the season when rains have likely stopped.

Vegetation control includes using a commercial grade mower to mow across the site between and underneath solar panel rows. No chemical herbicides or pesticides will be used in the array field, nor is activity beyond mowing anticipated. Chemical herbicides may be used in a 30-foot radius around inverter pads. ***The Permittee will use an herbicide that has been shown to be less toxic to amphibians, such as 2, 4 D (cited from USFWS BO 08ESMF00-2017-F-0044). Roundup will not be used on the Project site.***

7. The third paragraph of the ITP for **Impacts of the Taking on Covered Species**, page 9 shall be amended to read:

The Project is expected to cause the permanent loss of ~~50.34~~ **37.363** acres of habitat for the Covered Species, Long-term habitat modification of ~~451.40~~ **412.811** acres of habitat for the Covered Species, and temporary loss of ~~42.73~~ **11.698** acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, and increased competition for food and space.

- 8. Per request of the Permittee, the second paragraph of Section 9 of the ITP for Habitat Management Land Acquisition, shall reflect a reduction in in the credit purchase mitigation obligation by 64.537 acres. As a result, page 20 shall be amended to read:

To meet this requirement, the Permittee shall either secure or purchase ~~852.46~~ **787.923** acres of Covered Species credits from a CDFW-approved mitigation bank, conservation bank, or the South Sacramento Habitat Conservation Plan (Condition of Approval 9.3) AND shall provide for both the permanent protection and management of 214 acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.4 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.5 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

9.1 Cost Estimates. CDFW has estimated the cost of compensatory habitat for Phase 1 as follows:

9.1.1 Secure or purchase of ~~785~~ **720.463** acres of Covered Species credits from a CDFW-approved mitigation bank, conservation bank, or the South Sacramento Habitat Conservation Plan estimated at ~~\$11,775,000~~ **\$10,806,945**.

- 9. The ITP Attachments described on page 30 shall be amended. Figures 1 and 2 will be replaced with the Issued for Construction/100% final design drawings while Attachment 1 will be updated with the language described above:

Attachments:

FIGURE 1	Map of Project Updated Project Impact Map
FIGURE 2-1 thru 2-15	Project Phasing Project Impact Map Details
ATTACHMENT 1	Updated Mitigation Monitoring and Reporting Program
ATTACHMENT 2, 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form; Lands Instructions
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment

increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes nine (9) specific changes to the ITP as originally issued. The Project Description, principal officer, maps and figures have been updated to reflect the final design plans. The resulting impacts to the Covered Species, including the timing of Covered Activities and number of acres of habitat impact as a result of the Project, will be decreased.

CDFW has determined that project description and conditions of approval will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including updates to the Project Description will not increase impacts to the Covered Species.

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

Discussion: CDFW determined in August 2019 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: 1) will reflect a decrease in 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 ITP’s Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

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

Discussion: CDFW issued the ITP in August 2019 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 the Sacramento Municipal Utility District (SMUD) as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to

create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by SMUD during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment updates the Project description based on the completed design and Issued for Construction/100% final design drawings. As such, the changes to the design to allow for improved constructability of the Project in an efficient, cost effective, and timely manner reducing potential permanent, temporary, and indirect impacts. The updates to the design have resulted in an overall decrease of impacts to the Covered Species and its habitat, which has resulted in a subsequent decrease to the mitigation obligation for the Project. These changes to the ITP will not: (1) increase the level of take or other Project impacts on the Covered Species previously analyzed and authorized by the ITP, (2) significantly affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporary impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

Or by email to R2CESA at Wildlife.ca.gov
or both

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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RANCHO SECO SOLAR II, LLC
Rancho Seco Solar II Project

on 12/11/2020

DocuSigned by:
Kevin Thomas
A2A0A9C574C3445...

Kevin Thomas
Regional Manager
North Central Region

ACKNOWLEDGMENT

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

By: *Chris Clevenger* Date: 12/18/2020
DocuSigned by: 49195422D75A457...

Printed Name: chris clevenger Title: COO

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