



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 2, 2021

Mr. Guillermo Bermudez  
Lockheed Martin Aeronautics  
1011 Lockheed Way  
Palmdale, California 93599  
[Guillermo.V.Bermudez@lmco.com](mailto:Guillermo.V.Bermudez@lmco.com)

**Subject: Incidental Take Permit for Site Plan Review 20-009 Project  
(ITP No. 2081-2021-012-05)**

Dear Mr. Bermudez:

Attached is the Minor Amendment (ITP No. 2081-2021-012-05-A1) to the incidental take permit (ITP) for the above referenced Project, which has been signed electronically by the California Department of Fish and Wildlife (Department). Please read the permit carefully, sign the acknowledgement using DocuSign and return it electronically, **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities to [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) and [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov).

All terms and conditions of the ITP and the Mitigation Monitoring and Reporting Program (MMRP) that are not expressly amended by this Minor Amendment remain in effect and must be adhered to and implemented. You are advised to keep the ITP in a secure location and distribute copies to appropriate Project staff responsible for ensuring compliance with the conditions of approval of the ITP. **Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities.** Additionally, a copy of the ITP must be maintained at the Project work site and made available for inspection by Department staff when requested.

The ITP 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 ITP, please contact Ruby Kwan-Davis, Senior Environmental Scientist, Specialist, at (562) 619-2230.

Sincerely,

DocuSigned by:

*Ed Pert*

A87CE992DB57479...

Edmund Pert  
Regional Manager  
South Coast Region

Enclosure (1)

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

SOUTH COAST REGION 5  
3883 RUFFIN ROAD  
SAN DIEGO, CA 92123



AMENDMENT NO. 1  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2021-012-05  
Lockheed Martin Aeronautics  
Site Plan Review 20-009 Project in Los Angeles County

**INTRODUCTION**

On August 6, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2021-012-05 (ITP) to Lockheed Martin Aeronautics (Permittee), authorizing take of western Joshua tree (*Yucca brevifolia*) (Covered Species) associated with and incidental to the Site Plan Review 20-009 Project in Los Angeles County, California (Project). The Project as described in the ITP as originally issued by CDFW includes installation and operation of a 140-acre, 24-megawatt solar power generating 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 Project is divided into four phases, as described in the ITP on pages 3 through 6. Project activities expected to result in incidental take of the Covered Species include removal of individuals and roots; clearing vegetation; grading and placing of fill; compacting dirt and pouring concrete foundations; building a security fence; pile driving; digging and trenching; operating a 24-megawatt solar power generating facility (Covered Activities). To mitigate for the take of 86 individuals of the Covered Species and permanent loss of 67.5 acres of habitat supporting individuals and seedbank of the Covered Species, the Permittee is required to adhere to take minimization measures during the Site Preparation, Construction and Installation phase and Operation and Maintenance phase (pages 15 through 21 in the ITP). Additionally, to fully mitigate for Project-related take of the Covered Species, the Permittee is required to provide for both the permanent protection and management of up to 460 acres of Habitat Management (HM) lands before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided.

CDFW is preparing this minor amendment to the ITP to provide the Permittee alternatives to fully mitigate for Project-related take of the Covered Species.

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

First, this Amendment removes seven (7) take minimization measures and amends one (1) take minimization measure described under Condition of Approval 7 in the ITP.

Second, this Amendment allows the Permittee to mitigate either through purchasing 120 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank **or** by the acquisition and preservation of HM lands.

Third, this Amendment removes the cost estimates for HM lands under Condition of Approval 8.1 and revises the Security Amount under Condition of Approval 9.1 based on the added mitigation option through a CDFW-approved mitigation or conservation bank.

## AMENDMENT

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

1. Condition of Approval 7 in the ITP shall be amended to read:

7. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. The following minimization measures are required during Site Preparation, Construction and Installation (~~Condition of Approval 7.1~~) or Operations and Maintenance (~~Condition of Approval 7.2~~) phases of the Project. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

### ~~7.1. Site Preparation, Construction and Installation~~

~~7.1.2 Seed Collection. Prior to take of the Covered Species, the Designated Botanist shall search for fruits and/or seeds from individuals of the Covered Species that will be removed. The Designated Botanist shall notify CDFW via email of findings at least five days before taking of the Covered Species. If the Designated Botanist determines there are fruits and/or seeds, Permittee shall coordinate with CDFW prior to undertaking conservation-related seed collection. Seeds shall be collected and entered as a permanent, maternal line collection for species conservation at a facility with the expertise and equipment necessary to ensure proper seed storage without genetic contamination, following the Center for Plant Conservation's Guidelines, which include guidelines addressing: Conventional Seed Banking to Support Species Survival in the Wild; Genetic Guidelines for Acquiring, Maintaining, and Using a Conservation Collection; Rare Plant Reintroduction and Other Conservation Translocations; and Documentation and Data Sharing. Permittee shall notify CDFW~~

~~via email documenting and demonstrating that seeds have been collected before taking those individuals of the Covered Species with seeds. Permittee shall provide documentation of seeds collected and seeds entered no more than 14 days after seeds are entered as a permanent collection.~~

7.1.3 Transplanting. Permittee, in consultation with the Designated Botanist, shall transplant the following individuals of the Covered Species: at least one individual of seedling age class (Tag #3469), at least one individual of immature age class (Tag #1614); and at least two individuals of mature age class (Tags #1630 and #1636). Permittee shall transplant individuals to suitable native plant habitat to support the Covered Species where transplanted individuals can remain in perpetuity. Permittee shall select locations that fully avoid impacts on existing individuals of the Covered Species and their root zones. ~~Permittee shall submit to CDFW for review and approval a map, description, and justification of chosen recipient site(s) to support the Covered Species and fully avoids impacts on existing individuals of the Covered Species, and methodology that will be used before undertaking transplanting activities. Permittee shall also resolve all CDFW comments and concerns before undertaking transplanting activities.~~ Permittee shall notify CDFW via email at least 7 days before scheduled transplanting activities. Permittee shall transplant individuals immediately after they are removed from the ground. Permittee shall not hold individuals for transplanting at a later time or day. The Monthly Compliance Report shall provide a list of individuals transplanted; a map of the recipient site(s); methodology; and photographs of the transplanted individuals at the receiver site(s).

7.1.4. Integrated Pest Management Plan. ~~Permittee shall submit to CDFW for its review and approval an Integrated Pest Management Plan (IPM Plan) before starting Covered Activities. Permittee shall also resolve all CDFW comments and concerns regarding IPM Plan before starting Covered Activities. The IPM Plan shall include measures to ensure that novel non-native invasive weed species and Argentine Ants (collectively, pests) are not introduced into the Project Area or proliferate as a result of Covered Activities, which shall include activities during the operation and maintenance phase. The IPM Plan shall address pests that include, but are not limited to, those species within and surrounding the Project Area; those posing a threat to the Covered Species and desert plant communities; and those in the California Invasive Plant Council Invasive Plant Inventory (CallIPC Inventory). The IPM Plan shall address sources of pest introduction and establishment; measures to minimize the potential for pests to enter and/or proliferate in the Project Area; identification/Early Detection Rapid Response; methods to eradicate weeds prior to seed set; and Best Management Practices to avoid and minimize adverse effects of control methods on the natural environment. Permittee shall not use pesticides and herbicides. If pesticides and~~

herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before using any pesticides and/or herbicides. Rodenticides shall not be used in the Project Area at any time.

~~7.2.1. Maintenance Plan. Within 6 months of execution of this ITP and prior to starting maintenance activities, Permittee shall submit to CDFW for its review and approval a Maintenance Plan. The Maintenance Plan shall provide measures to avoid and minimize impacts on individuals of the Covered Species preserved in the Project Area. The Maintenance Plan shall address site access; Best Management Practices for trimming vegetation; washing PV solar panels; and waste disposal. A Designated Botanist shall be on site to conduct compliance monitoring during both the first times the PV solar panels are washed and vegetation is trimmed. Permittee shall document operation and maintenance activities performed in the ASR for the first 5 years of the Project's operations and maintenance phase, then documented every other year for the next 15 years.~~

~~7.2.2. Transplanted Individuals. Permittee, in consultation with the Designated Botanist, shall monitor the health and status of transplanted individual(s) every other year for 20 years. Yearly monitoring shall be performed for the first two years after a disturbance event such as fire occurs within the receiver site(s). Permittee shall provide information (at a minimum) on height, branching, flower production, seed pod development, clonal growth, insect infestations, bark stripping, and overall health and appearance. Permittee shall provide an assessment of the health and status of transplanted individuals(s) in the ASR.~~

~~7.2.3. Microclimate, Habitat and Soils Monitoring Plan. Within 6 months of execution of this ITP and prior to starting operation activities, Permittee shall submit to CDFW for its review and approval a Microclimate, Habitat and Soils Monitoring Plan (MHSMP). Permittee shall propose individuals of the Covered Species preserved in the Project Area that will be monitored and propose individuals that would serve as reference or baseline. Permittee shall monitor those CDFW-approved individuals of the Covered Species preserved in the Project Area (e.g., branching, flower production, seed pod development, overall health); compare those individuals of the Covered Species against reference/baseline individuals; monitor abiotic variables (ambient air temperature, humidity, and dew point); monitor soils (biological soil crusts, composition, moisture, temperature); and document native and non-native species. This monitoring shall be designed as a study with baselines, controls, methods, data management, and analysis so that study methods are repeatable. This data shall be used to identify potential deleterious effects of Project operations on individuals of the Covered Species preserved in the Project Area, and ways to minimize/mitigate for those potential effects. This monitoring shall occur every other year for 20 years. Yearly~~

~~monitoring shall be performed for the first two years after a disturbance event (e.g., fire, flooding) occurs within the receiver site(s). A report documenting monitoring results, analysis, and discussion shall be provided in the ASR.~~

~~7.2.4. Conservation Seed Collection Plan. If seeds are not collected or not enough seeds are collected from taken individuals and entered as a permanent, maternal line collection per Condition of Approval 7.1.2, the Permittee shall collect seeds from individuals of the Covered Species preserved within the Project Area. Within 6 months of ITP issuance, the Permittee shall submit to CDFW for its review and approval a Conservation Seed Collection Plan. The Conservation Seed Collection Plan shall be consistent with those provisions identified in Condition of Approval 7.1.2. The Conservation Seed Collection Plan shall be effective until enough seed (as defined in the Conservation Seed Collection Plan) has been collected from individuals of the Covered Species preserved within the Project Area, and those seeds are entered as a permanent, maternal line collection for species conservation. The Permittee shall submit documentation via email to CDFW demonstrating that seeds have been entered and stored as a permanent, maternal line collection. The Permittee shall only be released from obligations pertaining to Condition of Approval 7.2.4 after receiving written approval from CDFW. A summary of seed collection activities shall be provided in the ASR when those activities occur.~~

~~7.2.5. IPM - Implementation. Permittee shall provide a summary of IPM activities in the ASR when those activities occur. Activities shall follow a CDFW-approved IPM Plan as identified under Condition of Approval 7.1.4. Documentation shall include pest species controlled, growth state (e.g., vegetative, flowering, seed), a map of the infestation(s), methods used to eradicate pests, identification of the source, and methods to prevent new infestations and introductions of the pest species Detected.~~

2. Condition of Approval 8, Habitat Management Land Acquisition and Restoration, second paragraph shall be amended to read:

To meet this requirement, the Permittee shall ***purchase 120 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) or shall*** provide for both the permanent protection and management of Habitat Management (HM) lands pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. The Permittee has proposed two separate sites for the permanent protection and management of HM lands: McNeil Site or Lin Site (See Attachments 1A and 1B). Based on the habitat value at the two sites proposed, the Permittee shall provide 198 acres of HM lands if mitigation will occur at the

McNeil Site or, the Permittee shall provide 317 acres of HM lands if mitigation will occur at the Lin Site. If the Permittee is unable to provide HM lands at the McNeil Site or Lin Site, the Permittee shall provide 460 acres of HM lands at a site to be determined. Regardless of the location of the HM lands, the HM lands shall provide 421 individuals of the Covered Species of a near equal number of individuals of clonal and nonclonal growth forms. HM lands shall provide 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 9 below for all uncompleted obligations.

3. Condition of Approval 8.1, Cost Estimates, shall be deleted.

~~8.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:~~

~~8.1.1 Land acquisition costs for HM lands identified in Condition of Approval 8.2 below, estimated at \$4,677.22/acre for 460 acres at **\$2,152,000**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;~~

~~8.1.2 Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.5 below, estimated at **\$390,000**;~~

~~8.1.3 Interim management period funding as described in Condition of Approval 8.2.6 below, estimated at **\$251,000**;~~

~~8.1.4 Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$3,943/acre at **\$1,814,000**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; and,~~

~~8.1.5 Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.4, estimated at **\$15,000**.~~

4. Condition of Approval 8 shall be amended to include a new Condition of Approval 8.2 that shall read:

**8.2 Covered Species Credits: Permittee shall purchase 120 acres of Covered**

***Species credits from a CDFW-approved mitigation or conservation bank. Permittee shall obtain CDFW approval of the credit type, bank sponsor, credit amount, habitat type(s), and map of the bank jurisdiction prior to purchasing Covered Species credits. Permittee shall provide a record of purchase prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below.***

5. Condition of Approval 9.1 Security Amount, shall be amended as follows:

9.1 Security Amount. The Security shall be in the amount of ~~\$4,622,000~~ ***\$1,200,000***. This amount is based on ~~the cost estimates identified in Condition of Approval 8.1 above~~ ***cost estimate of \$10,000/acre of credits at a CDFW-approved mitigation or conservation bank.***

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

## **FINDINGS**

*Issuance of this Amendment 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 does not authorize any additional take of the Covered Species. The Project Description and Impact of Taking on Covered Species has not changed. This Amendment allows the Permittee to mitigate by purchasing 120 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank or provide for both the permanent protection and management of HM lands. CDFW has determined that changes to minimization and mitigation requirements will not increase the amount of take or the severity of impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to Conditions of Approval in the ITP described in this Amendment 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 2021 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 have no effect on the amount of take or severity of Project impacts on the Covered Species, and (2) will require the Permittee to minimize and fully mitigate for impacts on 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 2021 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Mitigated Negative Declaration, adopted on May 18, 2020 by City of Palmdale 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 the City of Palmdale 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 provides the Permittee alternatives to fully mitigate for Project-related take of the Covered Species. This Amendment makes three limited changes in the ITP: (1) changes to take minimization measures; (2) authorizing the Permittee to provide required mitigation through purchase and acquisition of credits at a CDFW-approved mitigation or conservation bank or acquisition and preservation of HM lands; and (3) reducing the Security Amount. These changes to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation

obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal 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).

An amended MMRP (Attachment 2) is provided and reflects changes to the existing ITP per this Amendment.

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

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

on 9/2/2021

DocuSigned by  
*Ed Pert*  
A87CE992DB57479...

Edmund Pert  
Regional Manager  
South Coast Region

Minor Amendment No.1  
Incidental Take Permit 2081-2021-012-05  
LOCKHEED MARTIN AERONAUTICS  
Site Plan Review 20-009

**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:  08EFC5AA85854FE... Date: 9/7/2021

Printed Name: Guillermo V Bermudez Title: Facilities Engineer, Sr. Stf.

**Attachment 2**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2021-012-05**

**PERMITTEE: Lockheed Martin Aeronautics**

**PROJECT: Site Plan Review 20-009**

**PURPOSE OF THIS MMRP**

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

This MMRP has been amended to reflect changes to the existing ITP per Minor Amendment No. 1. Amended language appears in **bold italics** and deleted language in ~~strikethrough~~.

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## **TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/ Date/ Initials
<b>BEFORE SITE PREPARATION, CONSTRUCTION AND INSTALLATION</b>					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition #5.1	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Botanist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Botanist is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Botanist 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 Botanist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Botanist must be changed.	ITP Condition #5.2	At least 30 days before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
3	Permittee shall conduct an education program (Worker Environmental Awareness Program – WEAP) for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Botanist that includes a discussion of the biology of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall include information about stopping the introduction and/or spread of non-native invasive plants. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition #5.4	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee Designated Botanist	
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 animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition #5.6	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
5	Before starting Covered Activities, Permittee, in consultation with the Designated Botanist, shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition #5.9	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
6	Permittee, in consultation with the Designated Botanist, shall clearly delineate individuals of the Covered Species and habitat preserved 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 individuals of the Covered Species and habitat.	ITP Condition #5.10	Before commencing ground- or vegetation-disturbing activities	Permittee	
7	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition #6.1	14 days before commencing ground- or vegetation-disturbing activities	Designated Representative	
8	Permittee shall protect all individuals of the Covered Species in the Project Area that will be preserved. Permittee, in consultation with the Designated Botanist, shall submit to CDFW for its review and approval an Avoidance and Protection Plan before starting Covered Activities. Permittee shall also resolve all CDFW comments and concerns regarding its Avoidance and Protection Plan before starting Covered Activities. The Avoidance and Protection Plan shall clearly show which individuals of the Covered Species shall be avoided and protected. Permittee shall notify CDFW via email documenting that the actions described in the Avoidance and Protection Plan have been implemented at least 14 days before starting Covered Activities that may impact individuals to be preserved. Where individuals of the Covered Species are not protected from Covered Activities by fencing, flagging, or stakes delineating the property boundary and habitat as identified in Conditions of Approval 5.9 and 5.10, a buffer shall be established to protect the dripline plus no less than 5 feet from the dripline. Permittee shall use temporary signs, stakes, fencing and other demarcations to avoid impacts on those individuals and the exclusion zone (collectively, protected area) for the duration of the Project. Permittee shall maintain and/or replace those temporary protection measures as needed during construction. After construction is complete, Permittee may only remove those temporary protective materials after consulting and receiving written approval from CDFW that temporary protective materials may be removed.	ITP Condition #7.1.1	At least 14 days before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
9	<del>Prior to take of the Covered Species, the Designated Botanist shall search for fruits and/or seeds from individuals of the Covered Species that will be removed. The Designated Botanist shall notify CDFW via email of findings at least five days before taking of the Covered Species. If the Designated Botanist determines there are fruits and/or seeds, Permittee shall coordinate with CDFW prior to undertaking conservation-related seed collection. Seeds shall be collected and entered as a permanent, maternal line collection for species conservation at a facility with the expertise and equipment necessary to ensure proper seed storage without genetic contamination, following the Center for Plant Conservation's Guidelines, which include guidelines addressing: Conventional Seed Banking to Support Species Survival in the Wild; Genetic Guidelines for Acquiring, Maintaining, and Using a Conservation Collection; Rare Plant Reintroduction and Other Conservation Translocations; and Documentation and Data Sharing. Permittee shall notify CDFW via email documenting and demonstrating that seeds have been collected before taking those individuals of the Covered Species with seeds. Permittee shall provide documentation of seeds collected and seeds entered no more than 14 days after seeds are entered as a permanent collection.</del>	ITP Condition #7.1.2	Before removing individuals of the Covered Species Provide documentation no more than 14 days after seeds are entered as a permanent collection	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/ Date/ Initials
10	Permittee, in consultation with the Designated Botanist, shall transplant the following individuals of the Covered Species: at least one individual of seedling age class (Tag #3469), at least one individual of immature age class (Tag #1614); and at least two individuals of mature age class (Tags #1630 and #1636). Permittee shall transplant individuals to suitable native plant habitat to support the Covered Species where transplanted individuals can remain in perpetuity. Permittee shall select locations that fully avoid impacts on existing individuals of the Covered Species and their root zones. <del>Permittee shall submit to CDFW for review and approval a map, description, and justification of chosen recipient site(s) to support the Covered Species and fully avoids impacts on existing individuals of the Covered Species, and methodology that will be used before undertaking transplanting activities. Permittee shall also resolve all CDFW comments and concerns before undertaking transplanting activities.</del> Permittee shall notify CDFW via email at least 7 days before scheduled transplanting activities. Permittee shall transplant individuals immediately after they are removed from the ground. Permittee shall not hold individuals for transplanting at a later time or day. The Monthly Compliance Report shall provide a list of individuals transplanted; a map of the recipient site(s); methodology; and photographs of the transplanted individuals at the receiver site(s).	ITP Condition #7.1.3	Provide plan before undertaking transplanting activities  Notify CDFW at least 7 days before undertaking transplanting activities	Permittee	
14	<del>Permittee shall submit to CDFW for its review and approval an Integrated Pest Management Plan (IPM Plan) before starting Covered Activities. Permittee shall also resolve all CDFW comments and concerns regarding IPM Plan before starting Covered Activities. The IPM Plan shall include measures to ensure that novel non-native invasive weed species and Argentine Ants (collectively, pests) are not introduced into the Project Area or proliferate as a result of Covered Activities, which shall include activities during the operation and maintenance phase. The IPM Plan shall address pests that include, but are not limited to, those species within and surrounding the Project Area; those posing a threat to the Covered Species and desert plant communities; and those in the California Invasive Plant Council Invasive Plant Inventory (Cal-IPC Inventory). The IPM Plan shall address sources of pest introduction and establishment; measures to minimize the potential for pests to enter and/or proliferate in the Project Area; identification/Early Detection Rapid Response; methods to eradicate weeds prior to seed set; and Best Management Practices to avoid and minimize adverse effects of control methods on the natural environment. Permittee shall not use pesticides and herbicides. If pesticides and herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before using any pesticides and/or herbicides. Rodenticides shall not be used in the Project Area at any time.</del>	ITP Condition #7.1.4	<del>Before commencing ground- or vegetation-disturbing activities</del>	Permittee	
12	The Permittee shall <b>purchase 120 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) or shall provide 198 acres</b> of Habitat Management (HM) lands if mitigation will occur at the McNeil Site or, the Permittee shall provide <b>317 acres</b> of HM lands if mitigation will occur at the Lin Site. If the Permittee is unable to provide HM lands at the McNeil Site or Lin Site, the Permittee shall provide <b>460 acres</b> of HM lands at a site to be determined. Regardless of the location of the HM lands, the HM lands shall provide <b>421 individuals</b> of the Covered Species of a near equal number of individuals of clonal and nonclonal growth forms. HM lands shall provide permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within <b>18 months</b> of the effective date of the ITP if Security is provided pursuant to Condition of Approval 9.	ITP Condition #8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
13	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> <li>i) Land acquisition costs for HM lands estimated at \$4,677.22/acre for 460 acres at <b>\$2,152,000</b>;</li> <li>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 <b>\$390,000</b>;</li> <li>iii) Interim management period funding as described in Condition of Approval 8.2.6, estimated at <b>\$251,000</b>;</li> <li>iv) Long-term management funding as described in Condition of Approval 8.3, estimated at \$3,943/acre at <b>\$1,814,000</b>; and,</li> <li>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 <b>\$15,000</b>.</li> </ul>	ITP Condition #8.1, 8.1.1, 8.1.2, 8.1.3, 8.1.4, and 8.1.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
14	<b>Permittee shall purchase 120 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank. Permittee shall obtain CDFW approval of the credit type, bank sponsor, credit amount, habitat type(s), and map of the bank jurisdiction prior to purchasing Covered Species credits. Permittee shall provide a record of purchase prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9.</b>	ITP Condition #8.2	<b>Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)</b>	Permittee	
15	To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW 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. 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. 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.	ITP Condition #8.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	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 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 ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
17	Permittee shall provide a recent preliminary title report, Phase I Environmental Site Assessment and other necessary documents.	ITP Condition #8.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
18	Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition #8.2.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
19	Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval; (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 ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
20	Permittee shall provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment (see Condition of Approval 8.3) and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, sign repair and replacement, continuing trash removal, site monitoring, vegetation and invasive species management, and monitoring of the Covered Species. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition #8.2.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
21	After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon.	ITP Condition #8.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).	ITP Condition #8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
23	After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Condition #8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
24	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 Condition #8.3.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	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"> <li>i) A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</li> <li>ii) The endowment shall be established assuming spending will not occur for the first three years after full funding.</li> <li>iii) 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.</li> </ul>	ITP Condition #8.3.2.2, 8.3.2.2.1, 8.3.2.2.2, and 8.3.2.2.3	Before commencing ground- or vegetation-disturbing 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	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified in Condition of Approval 8.3.2.2. 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.	ITP Condition #8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	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 Condition #8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
28	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> <li>i) <u>Security Amount</u>. The Security shall be in the amount of <del>\$4,622,000</del> <b>\$1,200,000</b>. This amount is based on the <del>cost estimates identified in Condition of Approval 8.1 above</del> <b>cost estimate of \$10,000/acre of credits at a CDFW-approved mitigation or conservation bank</b>.</li> <li>ii) <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</li> <li>iii) <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first.</li> <li>iv) <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</li> <li>v) <u>Security Transmittal</u>. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</li> <li>vi) <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.</li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than <b>18 months</b> from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition #9, 9.1, 9.2, 9.3, 9.4, 9.5, and 9.6	Before commencing ground- or vegetation-disturbing activities or within 30 days after the effective date of the ITP (whichever occurs first)	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
29	The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements;</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and,</li> <li>• Timely submission of all required reports.</li> </ul>	ITP Condition #9, 9.7	After CDFW conducts an on-site inspection and receives confirmation that all secured requirements have been satisfied	Permittee	
<b>DURING SITE PREPARATION, CONSTRUCTION AND INSTALLATION</b>					
30	To ensure compliance with the Conditions of Approval of the ITP, the Designated Botanist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition #5.3	Entire Project	Designated Botanist	
31	The Designated Botanist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition #5.5	Entire Project	Designated Botanist/Permittee	
32	Permittee shall implement dust control measures during Covered Activities to minimize construction-related fugitive dust. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition #5.7	Entire Project	Permittee	
33	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition #5.8	Entire Project	Permittee	
34	Project-related personnel shall access the Project Area using existing routes, or 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. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition #5.11	Entire Project	Permittee	
35	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11.	ITP Condition #5.12	Entire Project	Permittee	
36	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition #5.13	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
37	Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition #5.14	Entire Project	Permittee	
38	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition #6.2	Within 24 hours of non-compliance Entire Project	Designated Representative	
39	The Designated Botanist shall be on site daily when Covered Activities occur. The Designated Botanist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of 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 Botanist 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.	ITP Condition #6.3	Entire Project	Designated Botanist/ Designated Representative	
40	The Designated Representative or Designated Botanist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure identified in Condition of Approval 7.1. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Ruby Kwan-Davis ( <a href="mailto:Ruby.Kwan-Davis@wildlife.ca.gov">Ruby.Kwan-Davis@wildlife.ca.gov</a> ) and Headquarters CESA Program email is <a href="mailto:CESA@wildlife.ca.gov">CESA@wildlife.ca.gov</a> . 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 #6.4	Monthly Entire Project	Designated Representative/ Designated Botanist	
41	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 in Condition of Approval 6.7. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure identified in Condition of Approval 7.2; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition #6.5	January 31 of every year Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
42	The Designated Botanist 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 Botanist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition #6.6	Within 60 calendar days of the observation Entire Project	Designated Botanist	
43	Permittee shall immediately notify the Designated Botanist if an individual or individuals of the Covered Species is taken or damaged by a Project-related activity beyond the taking authorized by the ITP. Likewise, the Permittee shall immediately notify the Designated Botanist if a Covered Species is otherwise found dead or damaged within the vicinity of the Project. The Designated Botanist or Designated Representative shall provide initial notification to CDFW by email to Ruby Kwan-Davis ( <a href="mailto:Ruby.Kwan-Davis@wildlife.ca.gov">Ruby.Kwan-Davis@wildlife.ca.gov</a> ) and Headquarters CESA Program ( <a href="mailto:CESA@wildlife.ca.gov">CESA@wildlife.ca.gov</a> ). The initial notification to CDFW shall include information regarding the location, species, and number of individuals taken or damaged 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 taken or damaged individual(s), and if possible, provide a photograph, explanation as to cause of take or damage, and any other pertinent information.	ITP Condition #6.8	Notify immediately and provide written report within two calendar days Entire Project	Permittee/ Designated Botanist	
44	To allow the passage of wildlife serving as seed dispersal agents for the Covered Species, Permittee shall raise the chain link perimeter security fence six inches above grade.	ITP Condition #7.1.5	Entire Project	Permittee	
45	Vegetation removed in the Project Area shall only be distributed locally and away from protected areas identified in Condition of Approval 7.1.1.	ITP Condition #7.1.6	Entire Project	Permittee	
46	No trenching activities shall take place during a storm event as soils around the root zone of individuals of the Covered Species may be more susceptible to erosion. Work shall only occur during periods of dry weather (with less than a 40 percent chance of rain). No work shall occur during a precipitation event. Within at least 12 hours prior to the onset of precipitation, trenching shall cease, all associated erosion control measures shall be in place, and all motorized equipment and fueling materials shall be removed from areas where runoff from these items can be reasonably foreseen to come into contact with Covered Species. Trenching halted due to precipitation may resume when precipitation ceases and after a dry-out period of 48 hours for rain events. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Weather forecasts shall be documented and provided upon request by CDFW. Trenching/excavation spoils and materials shall be placed away from the protected areas identified in Condition of Approval 7.1.1.	ITP Condition #7.1.7	Entire Project	Permittee	
47	When pouring or working with wet concrete and washing materials/equipment that came in contact with the concrete, the Designated Botanist or Designated Representative shall ensure that concrete is contained locally in the wash out and does not contaminate soils within 10 feet of protected areas and/or enter protected areas identified in Condition of Approval 7.1.1.	ITP Condition #7.1.8	Entire Project	Permittee	
48	Permittee shall ensure that fill brought into the Project Area is placed only in designated staging areas to avoid impacts on the Covered Species.	ITP Condition #7.1.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/ Date/ Initials
49	Permittee shall ensure that construction equipment and vehicles operated in the Project Area are checked and maintained daily to prevent leaks of fuel, lubricants, solvents or other fluids that could contaminate soils within 10 feet of protected areas and/or enter protected areas identified in Condition of Approval 7.1.1.	ITP Condition #7.1.10	Entire Project	Permittee	
50	Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances resulting from Covered Activities, shall be prevented from contaminating soils within 10 feet of protected areas protected areas and/or entering protected areas identified in Condition of Approval 7.1.1. Any of these materials, placed within or where they may impact individuals of the Covered Species, by any party working under the Permittee, or with the permission of Permittee, shall be removed immediately.	ITP Condition #7.1.11	Entire Project	Permittee	
51	To avoid impacts on the Covered Species as a result of fire, workers conducting activities with the potential to inadvertently cause a fire (e.g., excavating) shall be equipped with an appropriate level of fire prevention and suppression equipment, such as fire extinguishers, backpack pumps filled with water, shovels, welding tents, shields, and/or fire-resistant mats.	ITP Condition #7.1.12	Entire Project	Permittee	
<b>POST-SITE PREPARATION, CONSTRUCTION, AND INSTALLATION</b>					
52	Upon completion of Covered Activities, Permittee shall remove from the Project Area 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 #5.15	Post-site preparation, construction and installation	Permittee	
53	Within 6 months of execution of the ITP and prior to starting maintenance activities, Permittee shall submit to CDFW for its review and approval a Maintenance Plan. The Maintenance Plan shall provide measures to avoid and minimize impacts on individuals of the Covered Species preserved in the Project Area. The Maintenance Plan shall address site access; Best Management Practices for trimming vegetation; washing PV solar panels; and waste disposal. A Designated Botanist shall be on site to conduct compliance monitoring during both the first times the PV solar panels are washed and vegetation is trimmed. Permittee shall document operation and maintenance activities performed in the ASR for the first 5 years of the Project's operations and maintenance phase, then documented every other year for the next 15 years.	ITP Condition #7.2.1	Within 6 months of execution of ITP and before commencing maintenance activities During Operation and Maintenance Phases. Reporting for the first 5 years, then every other year for the next 15 years	Permittee	
54	Permittee, in consultation with the Designated Botanist, shall monitor the health and status of transplanted individual(s) every other year for 20 years. Yearly monitoring shall be performed for the first two years after a disturbance event such as fire occurs within the receiver site(s). Permittee shall provide information (at a minimum) on height, branching, flower production, seed pod development, clonal growth, insect infestations, bark stripping, and overall health and appearance. Permittee shall provide an assessment of the health and status of transplanted individuals(s) in the ASR.	ITP Condition #7.2.2	Every other year for 20 years (yearly for the first two years after a disturbance event) During Operation and Maintenance Phases	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status/ Date/ Initials</b>
55	Within 6 months of execution of the ITP and prior to starting operation activities, Permittee shall submit to CDFW for its review and approval a Microclimate, Habitat and Soils Monitoring Plan (MHSMP). Permittee shall propose individuals of the Covered Species preserved in the Project Area that will be monitored and propose individuals that would serve as reference or baseline. Permittee shall monitor those CDFW-approved individuals of the Covered Species preserved in the Project Area (e.g., branching, flower production, seed pod development, overall health); compare those individuals of the Covered Species against reference/baseline individuals; monitor abiotic variables (ambient air temperature, humidity, and dew point); monitor soils (biological soil crusts, composition, moisture, temperature); and document native and non-native species. This monitoring shall be designed as a study with baselines, controls, methods, data management, and analysis so that study methods are repeatable. This data shall be used to identify potential deleterious effects of Project operations on individuals of the Covered Species preserved in the Project Area, and ways to minimize/mitigate for those potential effects. This monitoring shall occur every other year for 20 years. Yearly monitoring shall be performed for the first two years after a disturbance event (e.g., fire, flooding) occurs within the receiver site(s). A report documenting monitoring results, analysis, and discussion shall be provided in the ASR.	ITP Condition #7.2.3	Within 6 months of execution of ITP and before commencing operation activities During Operation and Maintenance Phases Every other year for 20 years (yearly for the first two years after a disturbance event)	Permittee	
56	If seeds are not collected or not enough seeds are collected from taken individuals and entered as a permanent, maternal line collection per Condition of Approval 7.1.2, the Permittee shall collect seeds from individuals of the Covered Species preserved within the Project Area. Within 6 months of ITP issuance, the Permittee shall submit to CDFW for its review and approval a Conservation Seed Collection Plan. The Conservation Seed Collection Plan shall be consistent with those provisions identified in Condition of Approval 7.1.2. The Conservation Seed Collection Plan shall be effective until enough seed (as defined in the Conservation Seed Collection Plan) has been collected from individuals of the Covered Species preserved within the Project Area, and those seeds are entered as a permanent, maternal line collection for species conservation. The Permittee shall submit documentation via email to CDFW demonstrating that seeds have been entered and stored as a permanent, maternal line collection. The Permittee shall only be released from obligations pertaining to Condition of Approval 7.2.4 after receiving written approval from CDFW. A summary of seed collection activities shall be provided in the ASR when those activities occur.	ITP Condition #7.2.4	Within 6 months of execution of ITP During Operation and Maintenance Phases until CDFW provides written approval releasing Permittee from obligations under Condition 7.2.4	Permittee	
57	Permittee shall provide a summary of IPM activities in the ASR when those activities occur. Activities shall follow a CDFW-approved IPM Plan as identified under Condition of Approval 7.1.4. Documentation shall include pest species controlled, growth state (e.g., vegetative, flowering, seed), a map of the infestation(s), methods used to eradicate pests, identification of the source, and methods to prevent new infestations and introductions of the pest species detected.	ITP Condition #7.2.5	During Operation and Maintenance Phases when IPM activities occur	Permittee	

<b>POST-PROJECT</b>				
57	Final Mitigation Report: No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Botanist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in 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 #6.7	No later than 45 days after completion of mitigation	Permittee