



Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)



November 3, 2022

Cary Vandenberg  
Central 40, LLC  
50 California Street, Suite 820  
San Francisco, California 94111

**Subject: Incidental Take Permit Amendment No. 1 for the Sullivan Road Solar Project  
(2081-2018-004-04)**

Dear Cary Vandenberg:

Enclosed you will find an electronic copy Amendment No. 1 of the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

Alternatively, you may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

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

The amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the amendment, please contact Carrie Swanberg, Senior Environmental Scientist (Specialist), at [carrie.swanberg@wildlife.ca.gov](mailto:carrie.swanberg@wildlife.ca.gov) or (559) 538-4110.

Sincerely,

DocuSigned by:  
A handwritten signature in black ink, appearing to read "Julie Vance".  
FA83F09FE08945A...

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

Enclosure

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

CENTRAL REGION  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710



AMENDMENT NO. 1  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2018-004-04  
Central 40, LLC  
Sullivan Road Solar Project in Stanislaus County

**INTRODUCTION**

On April 17, 2020, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-004-04 (ITP) to Central 40, LLC (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*), San Joaquin kit fox (*Vulpes macrotis mutica*), and Swainson's hawk (*Buteo swainsoni*) (collectively, the Covered Species) associated with and incidental to the Sullivan Road Solar Project in Stanislaus County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the construction, operation and maintenance (O&M), and decommissioning of a 40-megawatt (MW) solar power generating facility on approximately 214 acres of agricultural land previously used for grazing. The Project is comprised of solar modules, internal access roads, a 30-foot-wide overhead transmission line, improvements to nearby county roads, and upgrades to the existing Miller Substation. 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.

Initial construction activities were completed on February 25, 2021. Permittee has been working to secure credits with Westervelt Ecological Services and their proposed Piedra Azul Conservation Bank, which is currently in the approval process with CDFW.

On November 10 and November 15, 2021, CDFW received a request and corresponding fee payment, respectively, for a minor amendment to the ITP to extend the date in which the compensatory mitigation obligations are to be completed.

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

This Amendment No. 1 extends the deadline in which to complete the HM lands mitigation obligations from October 17, 2021 to October 17, 2023.

## AMENDMENT

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

1. The second paragraph in Condition of Approval 9, page 36 of the ITP, shall be amended to read:

To meet this requirement, the Permittee shall either purchase 100 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than ~~18 months from the issuance of this ITP~~ ***October 17, 2023*** if Security is provided pursuant to Condition of Approval 10 below OR provide for both the permanent protection and management of 100 acres of Habitat Management (HM) lands that have the ability to facilitate SJKF movement between north and south core populations. ***If Covered Species credits are purchased, all 100 credits must include upland CTS habitat, SWHA habitat, and SJKF habitat. If credits are purchased at more than one bank (CTS at one bank and SWHA and SJKF at another, for example) then the full 100 credits must be purchased at each bank.*** The mitigation sites proposed by the Permittee to be used as HM lands for the Project are depicted in Figure 3. CDFW has conceptually agreed to the appropriateness of the 100 acres of HM lands as they appear to be comprised of high quality- grassland habitat and are known occupied breeding, refugia, foraging, denning, and nesting habitat for the Covered Species. Prior to CDFW final approval of the 100 acres of proposed HM lands, CDFW shall conduct a site visit and review and approve in writing the information submitted pursuant to Condition of Approval 9.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 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~~ ***by October 17, 2023*** if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. After construction is completed, Permittee shall also restore, on-site, 209 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.11 above for the benefit of Covered Species.

2. MMRP:

The corresponding MMRP Measure 9, page 3, shall be amended to read the same as above.

3. The last paragraph in Condition of Approval 10, page 43 of the ITP, shall be amended to read:

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 ~~18 months from the effective date of this ITP~~ **October 17, 2023**. 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.

4. MMRP:

The corresponding MMRP Measure 17, page 8, shall be amended to read the same as above.

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

## **FINDINGS**

*Issuance of this Amendment No. 1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment No. 1 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 No. 1 makes one (1) specific change to the ITP as originally issued. It extends the timeline in which to complete the compensatory mitigation obligations to October 17, 2023. The resulting impacts to the Covered Species, however, including the timing, number of acres of habitat that will be lost, etc. as a result of the Project, will remain the same.

CDFW has determined that extending the timeline in which to complete the compensatory mitigation obligations 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 timeline to complete the compensatory mitigation obligations described in this Amendment No. 1 will not increase impacts to the Covered Species.

*Issuance of this Amendment No. 1 does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in April 2020 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment No. 1 because it (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. This Amendment No. 1 acknowledges the need for additional time for CDFW to complete approval of a conservation bank for 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 No. 1.*

Discussion: CDFW issued the ITP in April 2020 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Mitigated Negative Declaration approved on April 16, 2019 by Stanislaus County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment No. 1 is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of this Amendment No. 1 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 Stanislaus County 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 No. 1.

*CDFW finds that this Amendment No. 1 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).*

Discussion: This Amendment No. 1 increases the timeline in which to complete the compensatory mitigation obligations. 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 No. 1 will not significantly

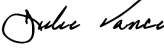
modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment No. 1 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment No. 1 by registered first class mail to CDFW at:

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

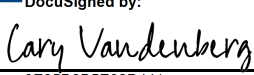
**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 11/4/2022

DocuSigned by:  
  
FA83F09FE08945A...  
Julie A. Vance  
Regional Manager  
Central Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that they are acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment No. 1, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:  Date: 12/13/2022  
9E35D3B5E82D441...  
Printed Name: Cary Vandenberg Title: CEO

Minor Amendment No. 1  
Incidental Take Permit 2081-2018-004-04  
CENTRAL 40, LLC  
Sullivan Road Solar Project