



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 1, 2023

John Martinez
Alta Wind X, LLC and Alta Wind XI, LLC
4900 North Scottsdale Road, Suite 5000
Scottsdale, Arizona 85251
John.Martinez@clearwayenergy.com

Subject: Incidental Take Permit Amendment No. 7 for the Alta East and Northern Portion of Alta Infill II Wind Energy Project (2081-2013-016-04)

Dear John Martinez:

Enclosed you will find an electronic copy of Amendment No. 7 for 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 amendment 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 amendment via mail to:

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

Alternatively, you may return an electronic copy of the amendment with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

You are advised to keep the amendment 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 and amendments must be maintained at the project work site and made available for inspection by CDFW 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 Kari Daniska, Senior Environmental Scientist (Specialist), at (559) 939-0280 or at kari.daniska@wildlife.ca.gov.

Sincerely,

DocuSigned by:

A handwritten signature in black ink, appearing to read "Julie A. Vance".

FA83F09FE08945A
Julie A. Vance Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosure

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION (4)
1234 EAST SHAW AVENUE
FRESNO, CA 93710



AMENDMENT NO. 7
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2013-016-04
Alta Wind X, LLC and Alta Wind XI, LLC
Alta East and Northern Portion of
Alta Infill II Wind Energy Project in Kern County

INTRODUCTION

On May 23, 2013, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit (ITP) No. 2081-2013-016-04 (ITP) to Alta Wind X, LLC; Alta Wind XI, LLC; Alta Wind XII, LLC; Alta Wind XIII, LLC; and Alta Wind XIV, LLC (Permittees), authorizing take of Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) and desert tortoise (*Gopherus agassizii*) (collectively, the Covered Species) associated with and incidental to the Alta East and Northern Portion of Alta Infill II Wind Energy Project in Kern County, California (Project). As described in the ITP as originally issued by CDFW, the Project includes the construction and installation of up to 115 wind turbine generators (WTGs) and supporting infrastructure to operate the WTGs as a wind power generation facility. Major components of the Project include construction of two permanent and three temporary meteorological towers, 26.24 miles of access roads, fencing, clearing and grading, underground communication cables, underground and overhead collection systems, overhead transmission lines, one collector substation, up to three concrete batch plants, one laydown area, two aqueduct bridge crossings, one operations and maintenance (O&M) facility and O&M activities. As originally permitted, the Project is expected to cause impacts to 912.90 acres of habitat for Bakersfield cactus and desert tortoise, including temporary impacts to 798.10 acres, and permanently remove 114.80 acres of Bakersfield cactus and desert tortoise habitat. The Project as permitted is expected to result in incidental take of Bakersfield cactus and desert tortoise, which are designated as an endangered and threatened species, respectively, under the California Endangered Species Act (CESA). In issuing the ITP, CDFW found, among other things, that Permittees' 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.

In an email dated June 10, 2013, Permittees requested to replace ITP Figure 2 with a new figure illustrating a revised facility layout and more accurately representing the specific construction areas associated with the Project. CDFW issued Minor Amendment No. 1 on June 21, 2013.

In an email dated June 24, 2013, Permittees requested a second amendment of the ITP to: (1) reduce temporary Project impacts from 798.1 to 544.64 acres and permanent Project impacts from 114.8 to 84.73 acres; (2) revise the Project Description to reduce the number and size of wind turbine generators (WTGs), increase the length of the overhead transmission lines, and reduce the number of O&M facilities, meteorological towers and concrete batch plants; and (3) increase the number of Bakersfield cacti clumps that will be translocated to the Bakersfield cactus mitigation site from 36 to 200. The reduction of temporary and permanent impact acreages and the additional Bakersfield cacti impacts that were identified considered the revised facility layout. CDFW issued Major Amendment No. 2 on July 12, 2013.

In an email dated September 2, 2014, Permittees requested a third amendment of the ITP to change monitoring, notification, and reporting provisions, allowing monitoring of O&M activities involving ground disturbances as they occur and changing the reporting of ground disturbing O&M activities from quarterly to annually. CDFW issued Minor Amendment No. 3 on September 26, 2014.

In an email dated November 24, 2014, Permittees requested a fourth amendment of the ITP to revise Permittees and Contact Person information and to extend the deadline for the required acquisition, protection and transfer of all HM lands and recordation of any required conservation easements (Amendment No. 4). CDFW issued Minor Amendment No. 4 on February 3, 2015.

In an email dated June 9, 2016, Permittees requested a fifth amendment of the ITP to reduce temporary Project impacts from 544.64 acres to 271.30 acres and permanent Project impacts from 84.73 acres to 68.63 acres. These reductions reflect the actual amounts of temporary and permanent acreage disturbed during construction of the Project (Amendment No. 5).

In an email dated July 26, 2022, Permittees requested a sixth amendment of the ITP to modify the type of habitat impacts within the Alta X, LLC phase, specifically to: recharacterize 15 temporary impact areas totaling 25.21 acres, to permanent impact areas; and to incorporate the provisioning of 76.84 acres of existing Bakersfield cactus habitat to achieve the outstanding success criterion for transplanted Bakersfield cacti. Thus, temporary Project impacts would be reduced from 271.30 acres to 246.09 acres and permanent Project impacts increased from 68.63 acres to 93.84 acres. These adjustments reflect the actual amounts of temporary and permanent acreage disturbed during construction of the Project, as a result of 15 temporary impact areas not meeting the revegetation success criteria (Amendment No. 6).

In issuing the ITP and Amendment Nos. 1, 2, 3, 4, 5, and 6 (collectively, the ITP as amended), CDFW found, among other things, that Permittees' compliance with the Conditions of Approval of the ITP, as amended, would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

On September 27, 2023, CDFW determined that an update was needed to the ITP and initiated a minor amendment. This minor amendment to the ITP, as amended, updates the ITP, as amended, to include a one-time payment to the State Treasury to enhance Bakersfield cactus at a CDFW Ecological Reserve. The ITP, as amended, directed all enhancement and endowment payments to an account with the National Fish and Wildlife Foundation (NFWF).

Minor Amendment No. 7 (Amendment No. 7) makes the following change to the existing ITP, as amended:

AMENDMENT

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

1. The first paragraph under Condition of Approval 8 on page 27 of the ITP, as amended, is further amended to read as follows:

CDFW has determined that permanent protection and perpetual management of compensatory habitat and/or the ~~long-term~~ funding of management and enhancement activities that support Bakersfield cactus at an existing CDFW Ecological Reserve is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage and/or ~~long-term~~ funding required to provide for adequate compensation.

2. A new Condition of Approval 8.6, page 32, shall be added and shall read:

Additional ~~Long-term~~ Management Funding. Additional ~~long-term~~ management and enhancement funding to supplement management activities at a CDFW Ecological Reserve that supports the Bakersfield cactus is necessary. Permittees shall provide a one-time payment of \$203,762.83 to the **State Treasury** ~~National Fish and Wildlife~~

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~~Foundation~~ to provide for fencing and 6-months of warden service to address trespass impacts to the reserve.

The corresponding measures in the MMRP 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 Permittees.

FINDINGS

Issuance of Major Amendment No. 7 will not increase the amount of take of the Covered Species or permanent impacts to Covered Species habitat compared to the Project as originally approved (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: CDFW determined in May 2013, June 2013, July 2013, September 2014, February 2015, September 2016, and April 2023 respectively, that the Project, as approved and later amended, met the standards for issuance of an ITP and amendments under the California Endangered Species Act (CESA). This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to Amendment No. 7 because the Project and ITP as amended: (1) will not significantly increase impacts to Covered Species habitat from what was originally permitted; 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 Amendment No. 7.

Discussion: CDFW issued the ITP in May 2013, Amendment No. 1 in June 2013, Amendment No. 2 in July 2013, Amendment No. 3 in September 2014, Amendment No. 4 in February 2015, Amendment No. 5 in September 2016, and Amendment No. 6 in April 2023 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the Alta East Wind Energy Project Final Plan Amendment and Environmental Impact

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Statement/Environmental Impact Report (SCH No. 2011071051) and the Alta Infill II Wind Energy Project Supplemental Environmental Impact Report (SCH No. 2008121044) certified by Kern County on January 22, 2013 and October 25, 2011, respectively, as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that Amendment No. 7 is a minor change to the ITP, as amended. CDFW finds for the same reasons under CEQA that approval of Amendment No. 7 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 Kern 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 Amendment No. 7.

CDFW finds that Amendment No. 7 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: Amendment No. 7 updates the one-time payment to supplement the management activities to enhance Bakersfield cactus at a CDFW Ecological Reserve from being paid to an account with NFWF to an account with the State Treasury. These changes to the ITP, as amended will not: (1) significantly increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, as amended, (2) affect Permittee's substantive mitigation obligations under the ITP, as amended, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species.

Issuance of Amendment No. 7 does not affect CDFW's previous determination that issuance of the ITP, as amended, meets and is otherwise consistent with the permitting criteria set forth in Fish and Game section 2081, subdivisions (b) and (c).

Refer to Attachment 1 for the corresponding amendments to the MMRP.

The authorization provided by Amendment No. 7 is not valid until the Permittees sign and date the acknowledgement below, and returns one of the duplicate originals of Amendment No. 7 by registered first class mail to CDFW at:

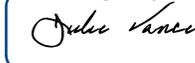
Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
1416 Ninth Street, Suite 1260
Sacramento, California 95814

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Alta East and Northern Portion of
Alta Infill II Wind Energy Project

Alternatively, the Permittee shall e-mail the digitally signed Amendment No. 7 to CESA@wildlife.ca.gov. Digital signatures shall comply with the Government Code Section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

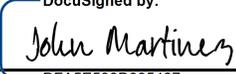
on 12/1/2023

DocuSigned by:

FA63F09FE08945A...

Julie A. Vance
Regional Manager
Central Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that they are acting as a duly authorized representative of the Permittees, (2) acknowledges receipt of the ITP, as amended and Amendment No. 7, and (3) agrees on behalf of the Permittees to comply with all terms and conditions of the ITP as amended.

By:  Date: 12/4/2023

Printed Name: John Martinez Title: VP, operations

Minor Amendment No. 7
Incidental Take Permit 2081-2013-016-04
Alta Wind X, LLC and Alta Wind XI, LLC
Alta East and Northern Portion of
Alta Infill II Wind Energy Project

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2013-016-04

**PERMITTEE: Alta Wind X, LLC; Alta Wind XI, LLC;
Alta Wind XII, LLC; Alta Wind XIII, LLC;
Alta Wind XIV, LLC**

**PROJECT: Alta East and Northern Portion of Alta Infill II Wind
Energy Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	All terms and conditions of the ITP, including those set forth in the attached MMRP, shall be binding upon each of the five (5) Permittees. Notwithstanding California Civil Code section 1431 or any other provision of law, each Permittee is jointly and severally liable for providing and maintaining security in accordance with the ITP and for performance of all other terms, conditions, and obligations of the ITP, including, but not limited to, those set forth in the attached MMRP. Any failure by one or more Permittees to comply with any term, condition, or obligation set forth in the ITP shall be deemed a failure to comply by all five (5) Permittees.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
2	Before starting Covered Activities, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittees 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 # 5.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
3	Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor(s) (Designated Biologist(s)) before starting Covered Activities. Permittees shall ensure that the Designated Biologist(s) is/are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittees shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist(s) must be changed.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities	Permittees	
4	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) 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 # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
5	Permittees shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittees 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. Permittees 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 # 5.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Permittees shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittees 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 # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
7	Before starting Covered Activities, Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
8	Permittees shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 5.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
9	The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittees	
10	The Permittees shall provide CDFW with a single Bakersfield cactus translocation plan prior to translocating Bakersfield cactus, and shall not take Bakersfield cactus until receiving CDFW's written approval of the translocation plan. The translocation plan shall include at a minimum: (1) the translocation methods, (2) a layout of the proposed planting plan (to scale, with minimum 20 foot contour data), (3) a map and legal description of the receiver site that will be protected in perpetuity as described in Condition of Approval 8, (4) a comparison of the receiver site's and original cactus source site's soil, plant communities, and topography to demonstrate that the site is suitable, (5) a description of the Bakersfield cactus's existing (pre-Project) status on the receiver site (including density and distribution), (6) a five-year monitoring plan, and (7) a five-year contingency plan to remedy unsuccessful translocations.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities	Permittees	
11	Within six (6) months of issuance of the ITP, the Permittees shall provide CDFW with a single Vegetation Restoration Plan prior to restoring on-site the 246.09 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The Plan shall also indicate the best time of year for seeding to occur. The Permittee(s) shall obtain CDFW written approval of the Plan prior to Plan commencement and shall ensure that the Plan is successfully implemented by the contractor.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities (or within 6 months of issuance of the ITP if Security is provided)	Permittees	
12	The Designated Biologist(s) shall perform a pre-construction survey for Bakersfield cactus, at each location where ground-disturbing activities will occur, no more than 30 days before the initiation of ground-disturbing activities. These surveys shall cover the disturbance area and a 50-foot buffer zone. A report documenting the methods and results of the pre-construction surveys shall be submitted to CDFW within 30 days after performing them.	ITP Condition #7.1	Before commencing ground- or vegetation-disturbing activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	All Bakersfield cacti that would not be directly impacted by ground-disturbing activities shall be avoided by a minimum of 25 feet. This avoidance distance may be lessened on a specific case by case basis if CDFW concurs in writing that a modified distance proposed by the Designated Biologist(s) is sufficient to avoid direct or indirect take of cactus.	ITP Condition #7.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
14	Sturdy, highly visible, orange plastic construction avoidance fencing shall be installed around Bakersfield cactus avoidance areas (Condition of Approval 7.2) and located in accordance with direction from the Designated Biologist(s). Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the construction period. Fencing shall be inspected at least biweekly during the construction period. Fencing shall be removed upon completion of Project construction.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
15	Prior to construction and as per the translocation plan required in Condition of Approval 6.9, the Designated Biologist(s) shall translocate Bakersfield cactus which cannot be avoided by construction activities to a receiver site that will be protected in perpetuity as described in Condition of Approval 8. When translocating Bakersfield cacti, the Designated Biologist(s) shall follow the guidelines in Attachment 2 or other translocation methods submitted to CDFW by the Permittees which have been approved in advance and in writing by CDFW for the Covered Activities addressed by the ITP. Translocated cacti shall be planted in habitat that one or more Permittees have proven to be suitable for Bakersfield cactus by demonstrating that Bakersfield cactus occurs naturally at the same general location and the plantable area has suitable soils, vegetation, and other aspects to support a self-sustaining population of Bakersfield cactus. The density of plantings shall not exceed densities that occur naturally in the vicinity of the Project. The Permittees shall prepare a single planting plan that details the planting location, layout, and planting densities. The Permittees shall obtain CDFW's written approval of the receiver site for translocation purposes prior to taking (excavating, moving, or otherwise disturbing) any Bakersfield cactus. CDFW's approval of the receiver site pursuant to this Condition shall not constitute final acceptance of the site as habitat compensation as described in Condition of Approval 8.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
16	No more than 30 days prior to ground-disturbing activities, the Designated Biologist(s) shall be present to perform a pre-construction survey for desert tortoise and shall remain on-site until temporary exclusion fencing has been installed to preclude desert tortoises from entering the work area. These surveys shall cover the existing access routes, and the proposed construction right-of-way (ROW) with a 50-foot buffer zone. All potential desert tortoise burrows within the construction ROW shall be flagged to alert biological and work crews to their presence. A report documenting the results of the pre-construction surveys shall be submitted to CDFW within 30 days after performing them.	ITP Condition # 7.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	Prior to any surface disturbance, the Permittees shall have temporary desert tortoise-proof exclusion fencing (exclusion fence) installed around the perimeter of all the Project work areas, with the exception of <i>the</i> substation structure, where permanent exclusion fencing shall be installed. For linear portions of the Project Area, including roads and transmission lines, temporary exclusion fencing shall be installed in a sequential manner that corresponds to the progression of active construction work at the site. For example, temporary fencing shall not be installed simultaneously at all work locations, and shall be removed immediately upon completion of Project construction activities in each segment to minimize the temporary desert tortoise habitat fragmentation impacts from fencing. The Permittees may conduct activities without installing temporary exclusion fencing, for some types of limited duration construction impacts, if a Designated Biologist(s) is present at all times to monitor activities and ensure impacts to Covered Species are minimized. These exceptions shall be proposed to and approved by CDFW in writing prior to implementation.	ITP Condition # 7.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
18	The Permittees shall locate temporary desert tortoise exclusion fencing in a way that avoids tortoise burrows and isolates them from the active work areas when possible. The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that desert tortoises are not killed or injured during fence installation. The exclusion fence shall be constructed according to the United States Fish and Wildlife Service (USFWS) "Desert Tortoise Exclusion Fence" guidelines (see Attachment 3), contained in the "Desert Tortoise Field Manual." The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period. All openings in the exclusion fence lines shall be constructed such that they prohibit tortoise passage or passively direct the tortoise back into suitable natural habitat. The Permittees shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary.	ITP Condition # 7.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
19	Prior to initial ground disturbance, the Permittees shall have permanent desert tortoise-proof exclusion fencing (permanent exclusion fence) installed around the perimeter of substations. The Permittees shall locate permanent exclusion fencing in a way that avoids tortoise burrows and, when possible, isolates them from the active work areas. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that desert tortoises are not killed or injured during this activity. The exclusion fence shall be constructed according to the "Desert Tortoise Field Manual." The permanent exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period. All openings in the exclusion fence lines shall be constructed such that they prohibit tortoise passage or passively direct the tortoise back into suitable natural habitat. The Permittees shall maintain the exclusion fence as necessary.	ITP Condition # 7.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	After the installation of the temporary and permanent exclusion fencing and prior to any ground disturbance within the fenced areas, the Designated Biologist(s) shall examine the area within the fences for desert tortoises and their burrows. The survey shall provide 100 percent coverage of the Project limits. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows. The Designated Biologist(s), using the methods described in the "Desert Tortoise Field Manual" shall capture, collect measurement and identification data, permanently mark, and relocate any desert tortoises found within the fenced Project Area to the nearest suitable, undisturbed habitat location within the ITP Coverage Area, or an alternate location approved by CDFW, in accordance with Condition of Approval 7.14. The Designated Biologist(s) shall also conduct surveys in the area immediately outside of the exclusion fence for Covered Species and shall conduct periodic inspections of the exclusion fence itself to ensure its integrity. Particular attention shall be given after rainstorms, especially where the fence has been constructed in washes.	ITP Condition # 7.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
21	Any desert tortoise found within the portion of the Project Area to be disturbed shall be allowed to move out of the work area on its own volition or, if exclusionary fencing is already in place, the Designated Biologist(s) may move it to the nearest suitable, undisturbed habitat location within the ITP Coverage Area, or an alternate location approved by CDFW, in accordance with Condition of Approval 7.14. If a desert tortoise is found above ground, it will be released above ground. Any desert tortoise removed from a burrow shall be relocated to a location pre-approved by CDFW, and to an unoccupied burrow of similar size. If no such burrows are available for relocating, an artificial burrow shall be constructed that is approximately the same size, depth, and orientation as the original burrow. Protocols found in the "Desert Tortoise Field Manual" shall be followed for the construction of artificial burrows. The position of all tortoise burrows, tortoises, and relocation sites shall be recorded using Global Positioning System (GPS) technology. All potential or actual desert tortoise burrows present within areas to be disturbed will be collapsed after establishing that they are not currently occupied by desert tortoise, in order to prevent re-occupancy. Burrows within temporary exclusion fences should be left intact if ground-disturbing activities can avoid the burrows.	ITP Condition # 7.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
22	Using the methods described in the USFWS "Guidelines for Handling Desert Tortoises – Mojave Population and their Eggs," (Attachment 4) contained in the "Desert Tortoise Field Manual," the Designated Biologist(s) shall capture, collect measurement and identification data, permanently mark, and relocate any desert tortoises found within construction areas to suitable, undisturbed off-site habitat approved in advance by CDFW. If a desert tortoise is found above ground, it will be released above ground in the shade. Any desert tortoise removed from a burrow shall be relocated to an unoccupied burrow of similar size. If no such burrows are available for relocating, an artificial burrow shall be constructed that is approximately the same size, depth, and orientation as the original burrow. Protocols found in the "Desert Tortoise Field Manual" shall be followed for the construction of artificial burrows. The position of all tortoise burrows, tortoises, and relocation sites shall be recorded using GPS technology. All potential or actual desert tortoise burrows present within the work site will be collapsed after establishing that they are not currently occupied by desert tortoise, in order to prevent re-occupancy. Desert tortoises that appear to be sick or injured may be relocated to an appropriate facility outside the State of California with CDFW's prior written consent.	ITP Condition # 7.14	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Procedures for handling tortoise shall follow those described in the USFWS "Guidelines for Handling Desert Tortoises – Mojave Population and their Eggs," (see Attachment 4) contained in the "Desert Tortoise Field Manual". During all handling procedures, tortoises must be treated in a manner to ensure that they do not overheat, show signs of overheating (e.g., gaping, foaming at the mouth, etc.), or get placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises must be kept shaded at all times until it is safe to release them. For the purposes of the ITP, ambient air temperature must be measured in the shade, protected from wind, at a height of two inches (five centimeters) above the ground surface. No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95 degrees Fahrenheit (35 degrees Celsius). No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95 degrees Fahrenheit (35 degrees Celsius) before handling or processing can be completed. If the ambient air temperature exceeds 95 degrees Fahrenheit (35 degrees Celsius) during handling or processing, desert tortoise shall be kept shaded in an environment that does not exceed 95 degrees Fahrenheit (35 degrees Celsius), and not be released until ambient air temperature declines to below 95 degrees Fahrenheit (35 degrees Celsius). In an effort to prevent further spread of Upper Respiratory Tract Disease, plastic gloves shall be used whenever biologists handle desert tortoises. After handling each desert tortoise, gloves shall be disposed of and all equipment that came into contact with the tortoise shall be sterilized. Only the Designated Biologist(s) shall handle desert tortoises.	ITP Condition # 7.15	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
24	In the event that an active desert tortoise nest is detected during pre-construction burrow excavation or during construction activities, procedures outlined in the "Desert Tortoise Field Manual" regarding nests and eggs shall be followed. CDFW shall be notified immediately upon discovery of an active desert tortoise nest, and the site of egg relocation shall be approved by CDFW prior to relocation.	ITP Condition # 7.16	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
25	The Designated Biologist(s) shall maintain a record of all desert tortoises handled. This information shall include for each tortoise: (a) the locations (narrative and maps) and dates of observation; (b) general condition and health, including injuries, state of healing and whether desert tortoise voided their bladders; (c) location moved from and location moved to (using GPS technology); (d) diagnostic markings (i.e., identification numbers or marked lateral scutes); (e) ambient temperature when handled and released; and (f) digital photograph of each handled desert tortoise as described below. Desert tortoise moved from within the Project Area shall be marked for future identification. An identification number using the acrylic paint/epoxy covering technique shall be placed on the fourth left costal scute as described in the Tortoise Handling Guidelines. Digital photographs of the carapace, plastron and fourth costal scute shall be taken. No notching of scutes will be done.	ITP Condition # 7.17	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<p>To reduce the potential for increased raven predation on desert tortoise, the Permittees shall develop a single site-specific raven management plan to minimize the potential for ravens to occupy the Project Area. This plan shall be approved by CDFW. To mitigate this Project's portion of the cumulative effect of increasing the raven population in the desert region, the Permittees shall contribute one hundred five dollars (\$105.00) per acre for the 339.93 acres of desert tortoise habitat impacted by the Project. For this 30-year ITP, the payment shall be \$35,692.65 (339.93 x \$105 per acre). Payment of \$35,692.65 shall go to the USFWS regional raven management program to fund the following raven management measures as specified in the environmental assessment for the implementation of a plan for the reduction of predation by the common raven on the federally threatened desert tortoise in the California desert (Raven EA):</p> <ul style="list-style-type: none"> • Reduction of food, water, sheltering and nesting sites; • Common raven nest removal; • Common raven removal; • Evaluation of effectiveness and adaptive management; and • Education and outreach. <p>The raven management plan shall be complete and payment shall be made within six (6) months of the effective date of the ITP. Payment shall be sent to the National Fish and Wildlife Foundation or the current fund manager as dictated by the United States Fish and Wildlife Service.</p>	ITP Condition # 7.24	Within 6 months of ITP issuance	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<p>The Permittees shall provide for both the permanent protection and management of 339.93 acres 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. Permanent protection and funding for perpetual management of compensatory habitat and/or the long-term funding of management and enhancement activities that support the Covered Species at an existing CDFW Ecological Reserve must be complete before starting Covered Activities or by May 23, 2015 if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage to and/or long-term funding required to provide for adequate compensation.</p> <p>Permittees have met this requirement by deeding HM lands to CDFW. The ITP requires Permittees to acquire 339.93 acres of HM lands, and in compliance with Condition of Approval 8, a conservation easement was recorded on 629.37 acres of HM lands and the endowment of \$456,115.00, calculated at \$724.00 per acre for 629.37 acres, and the enhancement of \$17,104.00, calculated at \$27.00 per acre for 629.37 acres, was received by Wildlife Heritage Foundation and deposited on October 7, 2014.</p> <p>As stated above, and as per the requirements of this ITP, a remainder acreage in the amount of 289.44 acres may be applied toward ITP No. 2081-2013-017-04, which requires compensation for State take authorization for desert tortoise and Bakersfield cactus in the amount of 13.40 acres. Compensation for ITP No. 2081-2013-017-04 in the amount of 13.40 acres shall therefore, be subtracted from the original remainder acreage of 289.44 acres, thus reducing the remainder acreage to 276.04 acres. These protected HM lands are comprised of three (3) separate parcels located generally to the northeast of the intersection of State Route 395 and State Route 58 in the western Mojave Desert within the County of Kern, California. The specific location and acreage of each parcel is as follows: 1) 160 acres located within Section 36, Township 32S and Range 41E Mount Diablo Base and Meridian (MDBM); 2) 160 acres located within Section 33, Township 31S, Range 43E MDBM; and 3) 309.37 acres located within Section 03, Township 32S, Range 43E MDBM.</p>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <ul style="list-style-type: none"> i) Land acquisition costs for HM lands identified in Condition of Approval 8.2 below, estimated at \$4,300.00/acre for 339.93 acres: \$1,461,699.00. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; ii) 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 \$162,020.63 iii) Interim management period funding as described in Condition of Approval 8.2.6 below, estimated at \$84,465.41; iv) Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$5,541.05/acre for 339.93 acres: \$1,883,569.88. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. v) Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.4, estimated at \$12,000.00. vi) Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.5, calculated at \$6,560.00/acre for 246.09 acres: \$1,614,250.40 	ITP Condition #8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
29	<p>To provide for the acquisition and perpetual protection and management of the HM lands, the Permittees shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittees shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).</p>	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)	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	Permittees shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 5B) 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)	Permittees	
31	Permittees shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 5A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 8.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
32	Permittees 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. Permittees 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)	Permittees	
33	Permittees 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 (see http://www.dfg.ca.gov/habcon/conplan/mitbank/); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring 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)	Permittees	
34	Permittees shall provide for the interim management of the HM lands. The Permittees shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittees shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittees, 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)	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	After obtaining CDFW approval of the HM lands, Permittees 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)	Permittees	
36	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. Permittees 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). Within thirty days of CDFW's receipt of Permittees' written proposal, CDFW shall inform Permittees in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittees with a written explanation of the reasons for its determination. If CDFW does not provide Permittees with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).	ITP Conditions # 8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
37	After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittees shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittees shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Conditions # 8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
38	Permittees shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Conditions # 8.3.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<p>Permittees 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:</p> <ul style="list-style-type: none"> • A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • The endowment shall be established assuming spending will not occur for the first three years after full funding. • For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Conditions # 8.3.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
40	Permittees shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Conditions # 8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
41	Permittees shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Conditions # 8.4	Before commencing 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
42	<p>The Permittees may proceed with Covered Activities only after the Permittees have ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittees shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount</u>. The Security shall be in the amount of \$5,383,482.92. This amount is based on the cost estimates identified in Condition of Approval 8.1 above. <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 6) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. <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. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. <u>Security Transmittal</u>. If CDFW holds the Security, Permittees shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 7) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittees have failed to comply with the Conditions of Approval of the ITP. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittees 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"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports. <p>Even if Security is provided, the Permittees must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than May 23, 2015. CDFW may require the Permittees 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 Permittees do not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittees	
DURING CONSTRUCTION					
43	<p>The Designated Biologist(s) 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. Permittees shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.</p>	ITP Condition # 5.6	Entire Project	Permittees	
44	<p>Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittees shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles. Dust palliatives shall not be used on the Project Area.</p>	ITP Condition # 5.8	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	Permittees shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.	ITP Condition # 5.9	Entire Project	Permittees	
46	Permittees 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 # 5.10	Entire Project	Permittees	
47	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. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine 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 # 5.13	Entire Project	Permittees	
48	Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.13 of the ITP.	ITP Condition # 5.14	Entire Project	Permittees	
49	Permittees 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. Permittees 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 # 5.15	Entire Project	Permittees	
50	Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.16	Entire Project	Permittees	
51	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittees are not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittees	
52	The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of 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 Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist(s) shall conduct compliance inspections a minimum of once every fourteen days during periods of inactivity, after clearing, grubbing, and grading are completed and daily when ground-disturbing O&M activities are occurring.	ITP Condition # 6.3	Entire Project / During O&M activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Quarterly 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 during the construction phases of the Project. Project compliance during the O&M phase will be reported annually in the Annual Status Report (Condition of Approval 6.5). Quarterly Compliance Reports shall be submitted no later than the 15 th of every quarter beginning with issuance of the ITP. Quarterly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative. At the time of the ITP's approval, the CDFW Regional Representative is Lori Bono (lori.bono@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittees in writing of the new reporting schedule.	ITP Condition # 6.4	Entire Project	Permittees	
54	Permittees shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.4; (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 during the construction and O&M phases of the Project; (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 by plant community, 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	Entire Project	Permittees	
55	The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.6	Entire Project	Permittees	
56	Permittees shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittees shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.8	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	<p>To prevent the inadvertent entrapment of desert tortoise the Designated Biologist(s) shall:</p> <ul style="list-style-type: none"> Inspect all excavations (covered or open) for entrapped animals at the beginning, middle, and end of each day until the excavation is backfilled, including weekends and any other non-work days; Inspect all excavated holes and trenches for animals immediately before the excavation is backfilled; Ensure all trenches, holes and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between two and eight feet deep shall be covered when workers or equipment are not actively working in the excavation or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope; Ensure all trenches, holes and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than eight feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day; Ensure the outer two feet of excavation covers shall conform to solid ground so that gaps do not occur between the cover and the ground. Covering such gaps with dirt or laying covers on excavated soil will not satisfy this requirement. The outer two feet of cover material shall be semi-rigid and secured to the ground to preclude animals from lifting the edge (hardware cloth shall be used unless another material is approved by CDFW). The edges of the covers shall be secured with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent animals from lifting the edges; and If at any time a trapped or injured animal is discovered, the Designated Biologist(s) shall notify CDFW within one working day of the incident. 	ITP Condition # 7.5	Entire Project	Permittees	
58	All workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move on its own to a safe location. Alternatively the Designated Biologist(s) shall be contacted to determine if the animal may be safely moved within the conditions of the ITP.	ITP Condition # 7.6	Entire Project	Permittees	
59	The Permittees shall minimize the development of all temporary access and work roads associated with construction. The Designated Biologist(s) shall ensure that where temporary vehicle and equipment access is necessary and can be accomplished without clearing, grubbing, blading, grading, or other means of mechanical ground disturbance and vegetation removal, and providing access in such a manner would minimize disturbance compared to constructing temporary roads, that such vehicle access be provided on clearly marked routes that minimize ground and vegetation disturbance.	ITP Condition # 7.7	Entire Project	Permittees	
60	During Project implementation, all workers shall inform the Designated Biologist(s) if a desert tortoise is seen within or near the Project Area. All work in the vicinity of the desert tortoise which could injure or kill the animal shall cease until the desert tortoise is moved by the Designated Biologist(s) or it moves from the construction area of its own accord.	ITP Condition # 7.18	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
61	To reduce disturbance to on-site habitats, livestock grazing in the Project Area shall cease for the life of the Project, beginning no later than five years after execution of the ITP. This mitigation measure will result in an increase in habitat quality for desert tortoise, an improvement in forage species, and the minimization of the spread of invasive plant species. This measure will also reduce trampling of Covered Species individuals and burrow collapse.	ITP Condition # 7.25	Entire Project including O&M	Permittees	
62	To prevent the inadvertent entrapment of desert tortoise, cattle guards shall not be installed in the Project Area unless they are designed in a wildlife friendly manner and the Permittees have obtained CDFW written approval prior to installation.	ITP Condition # 7.26	Entire Project	Permittees	
63	If a desert tortoise is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittees shall identify the facility before starting Covered Activities. Permittees shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittees shall notify CDFW of the injury to the desert tortoise immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.8. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.27	Entire Project	Permittees	
POST-CONSTRUCTION					
64	Upon completion of Covered Activities, Permittees shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.17	Post-construction	Permittees	
65	To prohibit open range grazing and enhance wildlife movement and connectivity, the entire ITP Coverage Area perimeter shall be fenced within 30 days of the cessation of livestock grazing as identified in Condition of Approval 7.25 and fencing within the ITP Coverage Area shall be minimized. Fencing shall consist of new steel "T" posts installed at 10 to 15 foot intervals, with up to 4 strands of smooth or barbed wire, the bottom wire will be smooth and at least 18 inches from the ground, with a maximum fence height of 40 inches. Fencing will be repaired or replaced as necessary to comply with the Kern County Zoning Ordinance. Two types of access gates will be used: (1) the main access gates which will consist of two 12 foot wide swing gates, providing a 24 foot opening and (2) interior access gates which will consist of 10 to 16 foot wide swing gates, wide enough to permit access for normal maintenance vehicles and equipment needed to maintain the WTGs. The post at the free end of the gate will be removable to permit the fence to be temporarily opened to 24 feet to allow access for larger vehicles or cranes occasionally needed to maintain the WTGs.	ITP Condition # 5.18	Within 30 days of cessation of livestock grazing	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
66	No later than 45 days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented during the construction and O&M phases of the Project; (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 of 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	Post-construction and after completion of mitigation	Permittees	
67	During O&M activities that follow the construction phase, all personnel working at the site shall obey the speed limits specified in the ITP and shall have participated in an annual worker/contractor education program based on the measures in the ITP. A record of annual worker training, including the list of attendees, shall be provided with the annual monitoring reports required by the ITP.	ITP Condition # 7.19	During O&M activities	Permittees	
68	Ground-disturbing O&M activities shall be limited to the Project's permanent footprint disturbed during initial Project construction and a maximum 10-foot buffer from this permanent footprint. If cranes or other equipment are required to service turbines or other Project facilities, the equipment shall be placed in or within 10 feet of the area permanently disturbed during the construction phase, such as on permanent road surfaces. The Permittees shall request an ITP amendment if O&M impacts beyond the footprint of permanent impacts and the associated 10-foot buffer are anticipated and shall not conduct such activities until an ITP or ITP amendment is issued by CDFW for this activity.	ITP Condition # 7.20	During O&M activities	Permittees	
69	The Designated Biologist(s) shall perform a pre-construction survey for Covered Species no more than 30 days prior to the start of O&M activities (annually) that will disturb ground outside of the Project's permanent footprint (which Condition of Approval 7.20 limits to a 10-foot buffer around permanent Project facilities). The survey shall, at a minimum, consist of walking one transect centered on the area to be disturbed to search for sign of Covered Species. The Designated Biologist(s) shall remain on-site during times of ground-disturbing activity if pre-construction surveys indicate presence of Covered Species within, or adjacent to, the maintenance area. All potential burrows within the construction footprint shall be flagged to alert biological and maintenance work crews to their presence. A report documenting the results of the pre-activity surveys shall be submitted to CDFW within 30 days of completion. Project compliance during the O&M phase will be reported in the Annual Status Report as required in Condition of Approval 6.5.	ITP Condition # 7.21	During O&M activities	Permittees	
70	The Permittees shall restore in place the areas subject to temporary impacts from ground-disturbing O&M activities outside of the permanent Project footprint. After completion of O&M activities annually, the Permittees shall restore and revegetate all temporarily disturbed areas as described in the "Temporary Disturbed Area Restoration Plan for the Alta East Wind Project and Northern Portion of the Alta Infill II Wind Project" document, dated January 2013.	ITP Condition # 7.22	During O&M activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
71	All vehicle travel during the O&M phase shall be on permanent roads established during the construction phase.	ITP Condition # 7.23	During O&M activities	Permittees	
72	Permittees shall restore on-site the 246.09 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions as described in Condition of Approval 6.10. Within six (6) months of issuance of this ITP, the Permittees shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 246.09 acres of temporary construction disturbance on-site. The Vegetation Restoration Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The Vegetation Restoration Plan prior to commencement shall ensure that the Vegetation restoration Plan is successfully implemented by the contractor.	ITP Condition # 8.5	Project completion	Permittees	
73	Additional long-term management and enhancement funding to supplement management activities at a CDFW Ecological Reserve that supports the Bakersfield cactus is necessary. Permittees shall provide a one-time payment of \$203,762.83 to the State Treasury National Fish and Wildlife Foundation State Treasury National Fish and Wildlife Foundation to provide for fencing and 6-months of warden service to address trespass impacts to the reserve.	ITP Condition #8.5	Project Completion	Permittees	