



California Department of Fish and Wildlife  
Central Region  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710

California Endangered Species Act  
Incidental Take Permit No. 2081-2023-052-04

**CAMINO SOLAR PROJECT**

**I. Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) and California Code of Regulations, title 14, section 786.9, subdivision (b). (See Cal. Code Regs., tit. 14, § 783.4.)

<b>Permittee:</b>	<b>Camino Solar, LLC</b>
<b>Principal Officer:</b>	<b>Elcin Selman, Vice President – Projects Delivery</b>
<b>Contact Person:</b>	<b>Kristen Goland, Director</b>
<b>Mailing Address:</b>	<b>2701 NW Vaughn Street, Suite 300 Portland, Oregon 97210</b>

**II. Effective Date and Expiration Date of this ITP:**

This ITP is effective as of the date of signature by CDFW at the end of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **January 31, 2056**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee’s obligations pursuant to this ITP do not end until CDFW accepts as complete Permittee’s Final Mitigation Report required by Condition of Approval 6.8 of this ITP.

<sup>1</sup>Pursuant to Fish and Game Code section 86, “‘take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”].)

<sup>2</sup>The definitions of endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

**III. Project Location:**

The Camino Solar Project (Project) is located in the north-central Antelope Valley on the lower foothills of the Tehachapi Mountains, in southern Kern County, California approximately 12 miles south of the City of Tehachapi and approximately 16 miles northwest of the unincorporated community of Rosamond on 287 acres of private and BLM administered land. The Project is 15 miles west of State Route (SR) 14 (Antelope Valley Freeway), 12.5 miles south of SR 58 (Blue State Memorial Highway), and 8 miles north of SR 138 (West Avenue D). The nearest populated areas are the unincorporated community of Mojave (17 miles to the northeast), the unincorporated community of Rosamond (16 miles southeast), and the City of Tehachapi (12 miles to the north). (See Figure 1).

The Project is located at the Mount Diablo Meridian, Township 10 North, Range 15 West, Sections 23, 26, 27, 34 and 35. The legal land description of the Bureau of Land Management (BLM) portion of the Project area is Township 10 North, Range 15 West, Section 26, Lots 1 through 8. The remaining 17 parcels are privately held lands that are under the jurisdiction of Kern County. The permitted area of the Project includes the following parcels: 476-061-09 (BLM), 476-052-09, 476-110-03, 476-110-04, 476-062-04, 476-110-14, 476-110-16, 476-110-19, 476-130-11, 476-130-02, 476-130-03, 476-130-04, 476-130-10, 476-130-12, 476-130-13, 476-130-14, 476-130-17, and 476-130-18.

**IV. Project Description:**

The Project involves the construction, operation, and maintenance of a 44 megawatt (MW) photovoltaic (PV) solar facility on approximately 287 acres of private and BLM land (Figure 2). The infrastructure that will be installed includes solar arrays, fencing, 34.5 kilovolt (kV) underground electrical collector lines, and access roads. Several areas will be used for temporary construction workspace during the construction period. The Project will connect to the existing Manzana Wind substation, where transformers will increase the voltage from 34.5 kV to 230 kV. The energy will then be transferred to the Southern California Edison (SCE) Whirlwind Substation using the existing Manzana Wind 230 kV generation-tie (gen-tie) line. The Project site will be accessed via existing access roads on private land associated with adjacent wind projects. The primary access route to the Project will be from the south, following 170th Street West northward from the intersection with Rosamond Boulevard, and then along private access roads entitled for the Manzana, Pacific Wind, or Catalina projects.

*Project Construction*

Site preparation activities will occur prior to equipment installation. Rough site grading, excavation, and backfilling will be performed using heavy duty earth moving equipment. Mechanical clearing and grubbing will precede construction of all new Project elements. All vegetation debris and any other natural material collected as part of mowing, clearing, or preparing the site for construction will be removed in accordance with all applicable permit conditions.

Solar Arrays: Solar arrays will be installed on solar tracker foundations to a depth of approximately three feet. Foundation installation will include the placement of piles for the footings, which will be driven or excavated to a depth of approximately five feet. Depending on soil conditions, concrete foundations may also be used for pile installation, and will be approximately two times the width of the approximately six-inch-wide pile. The total fill for the grading, pile driving, and possible placement of concrete foundations will be approximately 15,000 cubic yards. The total area of solar arrays will be approximately 216 acres. Chain-link security fencing with controlled access gates will be installed around the site perimeter and other areas requiring controlled access.

Electrical Collector Cable: Buried 34.5-kV collector lines will be strung between transformers associated with each solar array. The inverter and transformer for each array will be installed on a shared equipment pad. Installation of electrical collector cables will include the excavation of an approximately four-foot-deep and eight-foot-wide trench. The collector cables will then be placed within the trench and backfilled with native soils. The combined energy of the solar field will transfer to the Manzana substation, using a new, approximately 3.6-mile-long underground 34.5-kV collector line, with a single riser pole connecting the line to the existing aboveground Manzana transmission line at the interconnection with the substation.

Access Roads: Within the Project area, approximately 4.3 miles of access roads will be constructed in each solar array to provide access to each inverter and transformer location. These permanent access roads will be approximately 20 feet wide with one-foot compacted shoulders on each side and will include approximately 10 inches of compacted native subgrade and five inches of compacted aggregate surfacing.

Temporary Construction Workspace: Temporary construction workspace and staging areas have been identified within the boundary for the Project, totaling 21 acres. These areas will only be used temporarily during construction and will not be used during the operation of the Project.

For the various construction activities described above, equipment to be used will include scrapers, excavators, dozers, water trucks, paddlewheels, haul vehicles, graders, smooth steel drum rollers, cranes, forklifts, post drivers, off-highway trucks, trenchers, skid steers, carts, ATVs, tractors, loaders, and backhoes.

#### *Operations and Maintenance*

The Operations and Maintenance (O&M) activities that will occur on the Project site during operation include: liaison and remote monitoring; administration and reporting; semi-annual and annual services; remote operations of inverters; site security and management; additional communication protocol; repair and maintenance of solar facilities, substations, electrical transmission lines, and other Project facilities; vegetation maintenance; road maintenance and repair; and periodic panel washing. Maintenance work will be done by either Project staff or contractors using pick-up trucks or

specialized maintenance equipment. Ongoing operations and maintenance activities following construction of the Project include the following:

Facility Maintenance: This will include routine and preventive maintenance necessary to maximize performance and address potential operational problems. Maintenance activities may involve minor ground disturbing activities and/or the replacement or repair of facility equipment (i.e., inverters, wiring, PV modules, substations, electrical collection lines, fences, security systems, or other Project infrastructure). Road maintenance will involve surface dragging, blading, grading, repair due to rutting or erosion, the placement or replacement of gravel, and maintenance of water crossings. Road surfaces will need to be watered or otherwise treated as necessary for dust abatement; treatments shall utilize Eastern Kern Air Pollution Control District-approved dust suppressants/palliatives, gravel, hydro-mulch, revegetation/seeding, or wood chips. Any dust palliatives will also require CDFW approval prior to their application. These treatments will occur on an as-needed basis, depending on weather conditions and the amount of traffic on the road.

Solar Panel Washing: Panels will be cleaned only on an as-needed basis, depending on site events and soiling rates. Panel washing frequency is not expected to exceed nine times per year, and the annual water need for cleaning could range up to 99,000 gallons, or about 0.3 acre-foot of water.

Monitoring Electricity Generation: Personnel will be visiting the site and driving along established access roads for diagnostics testing and site inspection.

Providing Site Security: Security guard vehicle patrols will occur on a regular basis. Security systems will be checked and maintained or repaired regularly.

Vegetation Maintenance: Vegetation maintenance will occur as needed to ensure vegetation does not interfere with facility operation and to reduce the risk of fire. Vegetation control could consist of manual, mechanical, biological, or chemical methods. Such activities include the use of string trimmers, disking, mowing, hand pulling of weeds, and herbicide use.

Solid and Nonhazardous Waste: A small amount of waste will be associated with maintenance activities, such as rags, empty containers, broken and rusted metal, defective or malfunctioning modules, electrical materials, machine parts, and other miscellaneous solid wastes, including the typical refuse generated by workers. Most of these materials will be collected and delivered back to the manufacturer or to recyclers. Non-recyclable waste will be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill.

**Hazards and Hazardous Materials:** Limited amounts of hazardous materials will be stored or used on site during operations, including diesel fuel, gasoline and motor oil for vehicles, insulating oil, lubricating oil, hydraulic fluid, various solvents and detergents, fertilizers, pesticides and herbicides, mineral oil to be sealed within the transformers, and lead acid-based and/or lithium-ion batteries for emergency backup. Appropriate spill containment and clean-up kits will be maintained during operation of the project. Hazardous wastes generated during operation might include spent solvents and cleaning solutions, spent oils, hydraulic fluids, and coolants. Hazardous wastes will be managed, handled, stored, and transported in accordance with applicable local, state, and federal laws and regulations.

Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) will be translocated to an area protected by an existing conservation easement located northeast of the Camino Solar Project. The conservation easement area is approximately 44.01 acres and was established on the property of a participating landowner, Steven Fry, a Trustee of the Ronald Carman Fry 2021 Revocable Trust (APN: 476-052-09). The Memorandum of Declaration of Restrictive Covenant was signed on July 27, 2011, and recorded with the County Assessor on August 23, 2011. The conservation easement property is in part of the South Half of Section 23, Township 10 North, Range 15 West, San Bernardino Meridian, in the unincorporated area of Kern County. Within the conservation easement area, 15.67 acres of suitable upland habitat could support Bakersfield cactus translocation and can be easily accessed by either heavy equipment or on-foot.

**V. Covered Species Subject to Take Authorization Provided by this ITP:**

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. Bakersfield cactus ( <i>Opuntia basilaris</i> var. <i>treleasei</i> )	Endangered <sup>4</sup>

This species and only this species is the “Covered Species” for the purposes of this ITP.

**VI. Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts are expected to result in the incidental take of individuals (clumps or pads) of the Covered Species. The activities expected to result in incidental take of individuals of the Covered Species include the following: increase in vehicle and foot traffic; clearing, grubbing, and grading; vegetation removal and mowing; delivery and operation of heavy equipment and machinery; excavation and earthwork; pile driving and trenching; backfill and compaction of excavated areas; vegetation clearing and use of temporary staging and laydown areas; excavation and translocation of Covered Species; storage of equipment and materials; potential introduction and control of non-native weeds; facility equipment installation and maintenance; road maintenance and

<sup>3</sup> Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species. (Fish & G. Code, §§ 2062, 2067, 2068.)

<sup>4</sup> See Cal. Code Regs., tit. 14, § 670.2, subd. (a)(6)(A).

repair; vegetation maintenance and control; servicing and repairing or replacing facility equipment as needed during operations; and other Project-related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as: habitat modification, trampling or crushing, excavating all or part of one individual, or dislodging pads from one or more individuals; erosion of substrates supporting individuals which could cause uprooting and/or could make substrates unsuitable for growth; incorrect herbicide/pesticide application or overspray; or settling of fugitive dust on pads affecting respiration or photosynthesis. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of capture of the Covered Species from the translocation of individuals to a CDFW approved conservation easement area. Potential indirect impacts to Covered Species include the ongoing chemical and physical maintenance within the Project Area preventing the species from propagating more freely and the potential introduction of and perpetuation of invasive species increasing competition for light, space, and soil nutrients. Covered Species individuals within the conservation easement area may also be indirectly impacted following translocation due to artificially increased density. Long-term indirect impacts include those resulting from temporal losses of Covered Species, increased habitat fragmentation, and edge effects.

Authorized take of the Covered Species is expected to occur within the 287-acre site (Project Area); the Project is expected to cause the permanent loss of 3.97 acres of habitat for the Covered Species. Figures 3a-c provide aerial mapping of the Covered Species locations identified within the Project Area and the following table provides the coordinates:

**Table 1: GPS Locations of Potential Bakersfield Cactus and Potential to be Affected by the Project**

Point #	Longitude	Latitude	Planned Avoidance or Impact	Comments
1	34.926432	-118.44563	Avoid	3" height
2	34.926352	-118.445648	Avoid	Healthy, 8" height
3	34.926538	-118.44565	Avoid	Large (~24" across), healthy, 8" height
4	34.925489	-118.447591	Avoid	2" height
5	34.925882	-118.446445	Avoid	Good health, ~ 12" across, 8" height
6	34.939332	-118.451948	Avoid	7" height
7	34.939431	-118.451807	Avoid	6" height
8	34.943419	-118.443657	Avoid	4" height
9	34.921889	-118.447256	Avoid	32 individuals; health varies poor to good
10	34.921112	-118.446616	Impact	Healthy, young individual, 6" height

Incidental Take Permit  
No. 2081-2023-052-04  
AVANGRID RENEWABLES, LLC  
CAMINO SOLAR PROJECT

Point #	Longitude	Latitude	Planned Avoidance or Impact	Comments
11	34.92105	-118.446854	Impact	2" height
12	34.920369	-118.446976	Impact	Healthy, 8" height
13	34.92105	-118.447117	Impact	3" height
14	34.931581	-118.45173	Impact	6" height
15	34.932589	-118.452216	Impact	8" height
16	34.932573	-118.452137	Impact	12" height
17	34.93264	-118.450935	Impact	12" height
18	34.932513	-118.452338	Impact	Healthy, approximately 6" across, 8" height
19	34.932513	-118.452195	Impact	Healthy, approximately 24" across, 8" height
20	34.933032	-118.450982	Impact	2" height
21	34.933037	-118.451004	Impact	3" height
22	34.933046	-118.450999	Impact	3" height
23	34.932989	-118.451043	Impact	6" height
24	34.932978	-118.451065	Impact	4" height
25	34.932992	-118.451094	Impact	6" height
26	34.933229	-118.442314	Impact	3" height
27	34.933269	-118.441605	Impact	8" height
28	34.936546	-118.452472	Impact	6" height
29	34.93658	-118.452286	Impact	5" height
30	34.936599	-118.45256	Impact	4" height
31	34.936655	-118.452811	Impact	5" height
32	34.936831	-118.452057	Impact	3" height
33	34.936809	-118.451873	Impact	3" height
34	34.936843	-118.451789	Impact	6" and 2" height, two individuals
35	34.936818	-118.451782	Impact	2" height
36	34.936819	-118.451767	Impact	1" height
37	34.93692	-118.451791	Impact	6" height
38	34.936944	-118.451809	Impact	6" height
39	34.936504	-118.452637	Impact	8" height
40	34.936634	-118.451912	Impact	6" height
41	34.936683	-118.451801	Impact	4" height
42	34.936574	-118.451016	Impact	8" height
43	34.936629	-118.450965	Impact	8" height
44	34.936648	-118.450704	Impact	4" height
45	34.939093	-118.45134	Impact	4" height

**VII. Incidental Take Authorization of Covered Species:**

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Project's Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species, except for capture and translocation of Covered Species as authorized by this ITP.

**VIII. Conditions of Approval:**

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging, and parking. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws and regulations in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2018061031) certified by Kern County, through its Planning and Natural Resources Department, on May 28, 2020, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (Notification No. EPIMS-KER-26302-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 5. General Provisions:**
  - 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.



- 5.2. Designated Botanist(s) and Biological Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Botanist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or in another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Botanist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of, and the excavation, handling, and translocation of, the Covered Species. The Designated Botanist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Botanist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Botanist(s) or Biological Monitor(s) must be changed.
- 5.3. Designated Botanist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Botanist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Botanist in the performance of his/her duties. If the Designated Botanist is unable to comply with the ITP, then the Designated Botanist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Botanist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of any Covered Species individual as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Education Program.** Permittee 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 Botanist that includes a discussion of the biology of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. 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.

- 5.5. Construction Monitoring Documentation.** The Designated Botanist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project location upon request by CDFW.
- 5.6. Dust Control.** Permittee shall reduce fugitive dust by prohibiting ground disturbing Covered Activities when wind speed exceeds 25 miles per hour and by limiting vehicle speeds on unpaved roads to 20 miles per hour. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Botanist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M activities without specific prior written approval, per product, by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to the Regional Representative and Regional Office identified in the Annual Status Report Condition of Approval, below. Permittee shall not apply dust suppressant, surfactant, or soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.
- 5.7. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials that are potentially harmful to the Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials when/if used.
- 5.8. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. A shield, protective mats, or other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Education Program Condition of Approval, above.
- 5.9. Delineation of Habitat.** Permittee shall clearly delineate Covered Species habitat 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. Permittee shall clearly

delineate the discrete boundaries of each area in active construction within the Project Area, where the Covered Activities will occur (Work Area), with fencing, stakes, or flags before starting Covered Activities. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in each Work Area.

- 5.10. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such construction. CDFW may require an amendment to this ITP if, among other reasons, additional take of Covered Species will occur as a result of the Project modification.
- 5.11. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species habitat outside of the marked Project Area unless provided for in the Project Access Condition of Approval of this ITP.
- 5.12. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal laws and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.13. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and translocation receiver site under Permittee control (conservation easement area) and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.14. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

## 6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** 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.
- 6.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 6.3. Compliance Monitoring.** Designated Botanist(s) shall be on-site daily when vegetation- or ground-disturbing Covered Activities occur. Ground- and vegetation disturbing activities include any action that modifies the existing ground surface. Examples include the use of string trimmers, mowing, application of herbicide, trenching, and grading. Operation of vehicles on established roads that have been properly maintained is not considered ground- or vegetation-disturbing activity. The Designated Botanist(s) shall conduct compliance inspections once per day during active construction until all Covered Species to be impacted have been translocated. The Designated Botanist shall conduct compliance inspections to:
- (1) minimize incidental take of the Covered Species;
  - (2) prevent unlawful take of the Covered Species;
  - (3) check for compliance with all measures of this ITP;
  - (4) check all exclusion zones; and
  - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Botanist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of the Covered Species, survey results, and monitoring activities required by this ITP.

- 6.4. Covered Species Salvage via Translocation.** Permittee shall submit a Covered Species Translocation Plan to CDFW before starting the Covered Activities. Translocation activities shall not proceed until the Translocation Plan has been approved in writing by CDFW's Regional Representative. The Translocation Plan shall consider guidance provided in the Cactus Translocation (Revegetation) Guidance (Attachment 3) and include, at a minimum, excavation methods, equipment and tools to be used, timing, holding parameters,

identification of transplant receiving areas within the existing conservation easement area (layout design maps), identification on a map of previous transplanted clumps/individuals and other known locations of the Covered Species within the conservation easement area, and replanting methods. Only the Designated Botanist or approved Biological Monitors under the direct supervision of the Designated Botanist are authorized to translocate the Covered Species. Once the Covered Species Translocation Plan is approved, it shall be used for the duration of this ITP. Any proposed changes to the approved Translocation Plan shall be submitted in writing to CDFW and approved in writing by CDFW prior to implementation of the proposed modifications.

- 6.5. Record of Covered Species Translocation Efforts.** The Designated Botanist(s) shall maintain a record of all translocated Covered Species. This information shall include for each individual clump:
- (1) Global Positioning System (GPS) coordinates and maps for both the source and receiver sites;
  - (2) translocated Covered Species general condition;
  - (3) translocated Covered Species size;
  - (4) ambient temperature when excavated and transplanted; and
  - (5) photographs of Covered Species at the source and receiver sites, before and after translocation, respectively.

The Designated Botanist(s) shall prepare a Covered Species Translocation Summary Report and include it in the Annual Status Report Condition of Approval, below. The Covered Species Translocation Summary Report required under the Final Mitigation Report Condition of Approval, below shall include cumulative Covered Species translocations and conclusions.

- 6.6. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning January 31, 2025, and continuing until CDFW accepts the Final Mitigation Report identified below. The ASR shall include the previous calendar year as the reporting period. The ASR shall be submitted, via email, to CDFW's Regional Representative, CDFW's Regional CESA Office, and CDFW's Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Jim Vang ([Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)), the CDFW Regional Office CESA Program e-mail for renewable energy is [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov), and the CDFW Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Each ASR shall include, at a minimum:

- (1) a general description of the status of the Project Area and Covered Activities conducted during the reporting period;

- (2) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;
- (3) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating for Project impacts;
- (4) all available information about Project-related incidental take of the Covered Species for the reporting period;
- (5) a Covered Species Translocation Summary Report including each translocation activity undertaken during the reporting period;
- (6) information about other Project impacts on the Covered Species during the reporting period;
- (7) a summary of all compliance monitoring and surveys associated with ground-disturbing Project activities for the reporting period;
- (8) beginning and ending dates of maintenance activities undertaken during the reporting period; and
- (9) summary of the type, and location on a map, of maintenance activities relative to the location of Covered Species during all previous reporting periods.

**6.7. CNDDDB Observations.** The Designated Botanist shall submit all unique occurrences of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Botanist shall include copies of the submitted forms with the next ASR.

**6.8. Final Mitigation Report.** No later than 45 days after completion of all Covered Activities, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Botanist shall prepare the Final Mitigation Report which shall include, at a minimum:

- (1) a summary of all ASRs;
- (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was fully implemented;
- (3) all available information about Project-related incidental take of the Covered Species;
- (4) information about other Project impacts on the Covered Species;
- (5) beginning and ending dates of Covered Activities;
- (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating the impacts of the Project-related incidental taking on the Covered Species;

- (7) a final Covered Species Translocation Summary Report that includes cumulative translocation information and conclusions from each ASR;
- (8) 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
- (9) any other pertinent information.

**6.9. Notification of Take or Damage.** Permittee shall immediately notify the Designated Botanist(s) if a Covered Species individual is taken or damaged by a Project-related activity, or if a Covered Species individual is otherwise found dead or damaged within the vicinity of the Project. The Designated Botanist or Designated Representative shall provide initial notification via email to the CDFW Regional Representative and the CDFW Regional Office CESA Program, identified in the Annual Status Report Condition of Approval, above. The initial notification to CDFW shall include information regarding the location and number of Covered Species individuals taken or damaged, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the individual(s) (GPS coordinates), photograph(s), an explanation as to cause of take or damage, and any other pertinent information.

**7. Take Minimization Measures:** Permittee shall implement and adhere to the following conditions to minimize incidental take of the Covered Species in the Project Area during Covered Activities:

- 7.1. Designated Botanist On-Site.** A Designated Botanist shall be on-site daily during all ground or vegetation disturbing Covered Activities.
- 7.2. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access roads in the field from established roads and vehicle operation shall be limited to these designated ingress and egress routes.
- 7.3. Equipment Fueling, Water and Restroom Facilities.** Permittee shall ensure that mobile equipment fueling, equipment maintenance, and construction employee water and restroom facilities are located at least 50 feet from Covered Species individuals unless approved in advance and in writing by CDFW. Additionally, these facilities shall include containment devices that will preclude fuel or other liquids from exiting the area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling, equipment maintenance, and construction employee water and restroom facilities locations.

- 7.4. Herbicide Use.** Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is confined to a Work Area and is otherwise not conducted within 50 feet of Covered Species individuals that are on or adjacent to the Project Area. Herbicide application shall be conducted by a licensed applicator in accordance with all applicable state, federal, and local laws and regulations. Permittee shall only apply herbicide via ground application when wind speed measures less than three miles per hour. All herbicide used within a Work Area shall contain a dye to prevent overapplication or overspray. Permittee shall ensure that care is taken to avoid herbicide contact with any native vegetation outside the boundaries of the Project Area.
- 7.5. Soil Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into any "Waters of the State" in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 7.6. Erosion Control Seed Application.** In areas where application of seed is desired for erosion control purposes, Permittee shall submit a written description of the proposed seed mixture, substrate, and application method to CDFW for written approval prior to each application for the duration of this ITP. The seed mix shall be composed of a blend of a locally native grass, wildflower, and/or shrub species. A weed-free straw or mulch may be used. Sterile non-native perennial grass species may be used, provided the amount does not exceed 25 percent of the total seed mix by count.
- 7.7. Pre-Construction Surveys.** The Designated Botanist(s) shall perform pre-construction surveys for Covered Species no more than 30 days prior to conducting Covered Activities for each Work Area within the Project Area. Surveys shall include 100 percent coverage of each Work Area undergoing Covered Activities and a 50-foot buffer. All potential and known Covered Species individuals detected shall be flagged and mapped. The Designated Botanist shall submit a report documenting the results of the pre-construction surveys to CDFW no less than five days prior to starting Covered Activities in each Work Area. Pre-construction surveys may not be possible for unanticipated emergencies (defined in accordance with section 21060.3 of the Public Resources Code) requiring immediate attention. The Designated Botanist(s) shall be notified of emergency activities as soon as is practicable and shall survey for the Covered Species within each Work Area and 50-foot buffer as soon as is practicable after being notified of an unanticipated emergency. Permittee shall notify CDFW no later than 24-hours after beginning emergency activities during any forced outage or emergency.
- 7.8. Covered Species Avoidance.** All Covered Species that will not be directly impacted by ground-disturbing activities shall be protected with a minimum 50-foot buffer. Sturdy, highly visible, orange plastic construction avoidance temporary fencing shall be installed around Covered Species avoidance areas and located in accordance with direction from the Designated Botanist(s). Fencing shall be permeable and/or raised to allow for the



movement of wildlife and to encourage natural soil movement and deposition patterns. Fencing shall be securely staked and installed in a durable manner that will be reasonably expected to withstand wind and weather events and last through the maintenance work period. Fencing shall be inspected at least twice per week, even during periods of inactivity, and maintained and/or replaced as necessary to prevent fence-generated litter. Fencing shall be removed upon completion of Covered Activities in the Work Area. Permittee may request a buffer reduction to be reviewed and approved in writing by CDFW. The buffer reduction request shall include the distance of the reduced buffer and an analysis of potential risks to the Covered Species, including but not limited to, potential risks from erosion, changes in hydrology, dust, or chemical drift. A buffer reduction shall not be implemented without written approval from CDFW.

**7.9. Covered Species Translocation.** The Designated Botanist shall translocate Covered Species individuals that cannot be avoided per the Covered Species Avoidance Condition of Approval prior to the start of Covered Activities in each Work Area. The Designated Botanist shall translocate the Covered Species to the CDFW approved conservation easement area in accordance with the Covered Species Translocation Plan approved by CDFW. Covered Species translocation shall not begin until CDFW has provided written approval to proceed with Covered Species translocation.

**8. Translocated Management Fund:** CDFW has determined that, along with the translocation activities described above, funding to benefit the Covered Species at an existing CDFW Bakersfield cactus ecological reserve is necessary and required pursuant to CESA to fully mitigate impacts of the Project-related taking on the Covered Species. This determination is based on several 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 funding required to provide for adequate compensation.

To meet this requirement, Permittee shall provide funding to CDFW pursuant to Condition of Approval 8.1 below. Funding to CDFW must be completed before starting Covered Activities.

**8.1. CDFW Ecological Reserve Enhancement Funding.** Funding to enhance management activities at a CDFW ecological reserve that supports Bakersfield cactus is necessary to fully mitigate the impact of the Project-related taking on the Covered Species. Permittee shall provide a one-time payment of \$96,000.00 to CDFW along with the Mitigation Payment Transmittal Form (Attachment 4) to provide for fencing and to address trespass impacts to the Covered Species on the ecological reserve.

**IX. Amendment:**

This ITP may be amended as provided by California Code of Regulations, title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of Permittee as required by law, including if CDFW determines that continued implementation of the

Project as authorized under this ITP will jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking on the Covered Species are minimized and fully mitigated.

**X. Stop-Work Order:**

If CDFW determines Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, title 14, section 783.7, and any other applicable law. Neither the Designated Botanist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**XI. Liability:**

All terms and conditions of this ITP shall be binding upon each Permittee. Notwithstanding California Civil Code section 1431 or any other provision of law, each Permittee shall be jointly and severally liable for performance of all terms, conditions, and obligations of this ITP and shall be jointly and severally liable for any unauthorized take or other violations of this ITP, whether committed by Permittees or any person acting on behalf of one or more Permittees, including their officers, employees, representatives, agents or contractors and subcontractors. Any failure by one or more Permittees to comply with any term, condition, or obligation herein shall be deemed a failure to comply by all Permittees.

**XII. Compliance with Other Laws:**

This ITP sets forth CDFW's requirements for Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local laws and regulations.

**XIII. Notices:**

Written notices, reports, and other communications relating to this ITP shall be delivered to CDFW by email (preferred) at [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov), or registered first class mail at the following address, or at addresses CDFW may subsequently provide Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2023-052-04) in

Incidental Take Permit  
No. 2081-2023-052-04  
AVANGRID RENEWABLES, LLC  
CAMINO SOLAR PROJECT

a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, CA 94244-2090  
[CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov)

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Jim Vang, Senior Environmental Scientist (Specialist)  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 580-3203  
[Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)

**XIV. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County Planning and Natural Resources Department. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Camino Solar Project Environmental Impact Report (SCH No.: 2018061031) dated February 13, 2020, that the Kern County Planning and Natural Resources Department certified for the Camino Solar Project on May 28, 2020. At the time the lead agency certified the Environmental Impact Report and approved the Project, it also adopted various mitigation measures, including some regarding the Covered Species, as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Environmental Impact Report for the Project and the potential environmental effects related to issuance of this ITP. (CEQA Guidelines, § 15096, subd. (f).) CDFW finds that issuance of this ITP will not result in any previously undisclosed

Incidental Take Permit  
No. 2081-2023-052-04  
AVANGRID RENEWABLES, LLC  
CAMINO SOLAR PROJECT

potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

**XV. Findings Pursuant to CESA:**

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subs. (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, the Environmental Impact Report for the Camino Solar Project, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of the Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on the Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) salvage via translocation to a permanently protected Bakersfield cactus reserve approved by CDFW; (2) establishment of avoidance zones; (3) worker education; and (4) payment into a CDFW ecological reserve management fund, which will enhance an existing robust population of the Covered Species. CDFW evaluated 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 the enhancement benefit to the Covered Species by funding additional actions a CDFW Bakersfield cactus ecological reserve. Based on this evaluation, CDFW determined that a one-time payment of \$96,000 to the State Treasury, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;

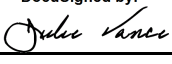
Incidental Take Permit  
No. 2081-2023-052-04  
AVANGRID RENEWABLES, LLC  
CAMINO SOLAR PROJECT

- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available. This finding includes consideration of the Covered Species' capability to survive and reproduce and any adverse impacts of the taking on those abilities in light of: (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without the concurrence of Permittee as necessary to avoid jeopardy to the species and as required by law.

**XVI. Attachments:**

FIGURE 1	Project Location
FIGURE 2	Project Plan
FIGURE 3a-c	<i>Opuntia</i> Locations
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Botanist Resume Form
ATTACHMENT 3	Bakersfield Cactus Translocation Guidelines
ATTACHMENT 4	Mitigation Payment Transmittal Form

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON** 2/5/2024

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

Incidental Take Permit  
No. 2081-2023-052-04  
**AVANGRID RENEWABLES, LLC**  
**CAMINO SOLAR PROJECT**