



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

California Endangered Species Act
 Native Plant Protection Act
 Incidental Take Permit No. 2081-2020-036-04

CAMERON RIDGE WIND ENERGY OPERATIONS AND MAINTENANCE PROJECT

I. Authority:

This California Endangered Species Act (CESA) and Native Plant Protection Act (NPPA) 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 and 786.9, subdivision (b). CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² The NPPA prohibits the take, possession, propagation, transportation, exportation, importation, or sale of any native plant that is designated by the California Fish and Game Commission as endangered or rare (Fish & G. Code, §§ 1904, 1908; Cal. Code Regs., tit. 14, §§ 670.2, 786.9., subd. (a)(2)). 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).

Permittee:	Coram California Development, L.P.
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II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its

¹Pursuant 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".])

²The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

authorization to take the Covered Species shall expire on **August 30, 2047**.

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 the Permittee's Final Mitigation Report required by Condition of Approval 6.8 of this ITP.

III. Project Location:

The Cameron Ridge Wind Energy Operations and Maintenance (O&M) Project (Project) is located in the lower Tehachapi mountains approximately eight miles west of the unincorporated community of Mojave and seven miles southeast of the City of Tehachapi, in Kern County, California, USGS 7.5 Minute Quadrangle Map Monolith, Mount Diablo Base and Meridian and is centered near latitude 35.058082° and longitude -118.321164° (Figure 1). The area is regionally identified as the Tehachapi Wind Resource Area.

IV. Project Description:

The Project includes on-going O&M activities for 26 wind turbine generators, a substation, above and below ground transmission lines, access roads, stream crossings, and associated infrastructure over a 1,350-acre area (Project Area) at an existing wind energy collection site referred to as the Cameron Ridge Wind Energy Project (Figure 2). The original construction was previously permitted under Incidental Take Permit Number 2081-2011-031-04 (now expired). Project activities are limited to the following:

1. Vegetation maintenance and removal at 0.23-acre turbine/crane pad areas (pads that support cranes in turbine repair work) and within the substation using string trimmers and herbicide application.
2. Earthwork at turbine/crane pad areas and within the substation to grade, reshape, repair erosion, and recompact the pads. Earthwork will include minor grading only (no excavation). New crushed rock or gravel will be replaced up to 12 inches deep when needed.
3. Repair of eroded access roads using heavy equipment, which may include the placement of additional road base material.
4. Repair of eroded earthen berms and banks (non-streams) that were constructed as part of the wind facility infrastructure with planting, straw waddles, hydroseeding, check dams, cribbing, riprap, or fiber rolls.
5. Maintenance and repair of at-grade and culverted road crossings in streams using previously established ingress and egress routes when possible, however when needed, vegetation removal may occur for access to the streams. Road crossing maintenance will be limited to the original construction footprint and design and is limited to the following:
 - a. Removal of sediment from the crossing and relocation of the sediment within the stream, on the downstream side of the road crossing.
 - b. Repair of stream banks to replace material lost due to erosion, including the placement or replacement of interstitial rock, riprap, or native material within existing larger riprap footprints.

- c. Repair of eroded stream banks with the placement of straw waddles and hydroseeding.
 - d. Mechanical removal of dislodged vegetation at the inlet and outlets of culverts including tumbleweed, branches, and woody debris.
 - e. Repair of damaged culverts including the cleaning of (sand/sediment removal or suction) or replacement of, in-kind, to original specifications.
 - f. Chipping or stripping of removed native vegetation and placement of chipped material onsite to be used as a seed base for revegetation.
 - g. Grading of streams following sediment and debris removal maintenance activities within the immediate work area only. Grading shall not occur upstream or downstream of the culvert maintenance work area.
6. Trenching to repair the underground conduit within the electrical collection system along roads, near junction boxes, and at the substation. Trenches will be backfilled, compacted, and graded following the repair work.
 7. Use of existing staging and laydown areas for temporary holding of turbine parts, heavy equipment, aggregate, fill from stream crossing maintenance, and culverts. Access to the staging area is established and no new road disturbance will occur. Vegetation management as described above may be required prior to utilizing the staging or laydown area.
 8. Translocation of Bakersfield cactus to a receiver site ("Cactus Preserve"), currently identified as a 9.47-acre section of a 23-acre parcel within the Project Area (see Figure 2).

Heavy equipment will be used and will include chain saws, shovels, other hand tools, haul trucks, backhoes, backhoes with front-end loader, track hoes, bulldozers, cranes, jetting and vacuum trucks, dump trucks, chippers, excavators, road graders, skid steers, portable compactors, rollers, and water trucks.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA/NPPA Status³</u>
1. Bakersfield cactus (<i>Opuntia basilaris</i> var. <i>treleasei</i>)	Endangered ⁴

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 described above 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; delivery and operation of heavy

³ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species. Under the NPPA, a plant species may be designated as endangered or rare.

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

equipment; trenching for underground conduit maintenance; grading and leveling earthwork for crane pad reshaping and access points; excavation and earthwork for repair of damaged culverts; backfill and compaction of excavated areas; placement of rock for erosion repair; application of herbicide; vegetation clearing of existing staging and laydown areas for O&M activities; excavation and translocation of Covered Species; and the temporary storage of equipment and materials (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 the Cactus Preserve. Potential indirect impacts to Covered Species include the on-going 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. Individual Covered Species may also be indirectly impacted following translocation due to artificially increased density at the Cactus Preserve. Long-term indirect impacts include those resulting from temporal losses of Covered Species in an area and increased habitat fragmentation and edge effects.

The areas where authorized take of the Covered Species are expected to occur is limited to the 1,350-acre Project Area. A survey of the Project Area where O&M activities will occur (along roads, turbine pads, substations) was conducted on June 25 and 26, 2020, which identified thirty-three individual Covered Species, two of which are known to be within an unavoidable impact area (Table 1 and Figure 3). The Project is expected to result in take of a minimum of two clumps and a maximum of seven clumps of the Covered Species.

Table 1. 2020 Locations of Covered Species

Covered Species Number	Coordinates* (WGS84)	
	Longitude	Latitude
1	-118.33646°	35.06061°
2	-118.33638°	35.06061°
3	-118.33639°	35.06060°
4	-118.31235°	35.06492°
5	-118.31241°	35.06540°
6	-118.32740°	35.05765°
7	-118.32739°	35.05764°
8	-118.32738°	35.05762°

Covered Species Number	Coordinates* (WGS84)	
	Longitude	Latitude
9	-118.32738°	35.05762°
10	-118.32735°	35.05765°
11	-118.32735°	35.05765°
12	-118.32736°	35.05766°
13	-118.32734°	35.05766°
14	-118.32740°	35.05778°
15	-118.31238°	35.06356°
16	-118.31240°	35.06353°
17	-118.31246°	35.06435°
18	-118.31245°	35.06435°
19	-118.31244°	35.06435°
20	-118.31243°	35.06435°
21	-118.31242°	35.06435°
22	-118.31242°	35.06435°
23	-118.30796°	35.05773°
24	-118.30797°	35.05772°
25	-118.30799°	35.05771°
26	-118.30801°	35.05772°
27	-118.30963°	35.05666°
28	-118.30962°	35.05665°
29	-118.30963°	35.05666°
30	-118.30963°	35.05666°
31	-118.32359°	35.05580°
32	-118.32368°	35.05577°
33	-118.32368°	35.05575°

* Due to the relatively short distance between individuals in cactus clusters, some coordinates are identical when rounded to the fifth decimal place.

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 the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the 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 relocation of Covered Species as authorized by this ITP.

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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, and staging and parking activities that may cause take. 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 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 four Mitigated Negative Declarations (SCH Nos.: 2002051151, 2003041108, 2010031096, 2010031109), related to twelve zoning classification changes, adopted by Kern County on August 30, 2002, March 16, 2004, July 21, 2010, July 22, 2010, respectively, and the *Addendum Mitigated Negative Declaration* on April 21, 2011, which referenced all prior zoning classification changes, 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 (LSAA) Notification No. 1600-2018-0270-R4 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq. The LSAA expires December 31, 2023 and must be extended and/or a new LSAA must be acquired for work in streams under this ITP after that date.
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 Biologist(s) and Biological Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered

Activities. Permittee shall ensure that the Designated Biologist(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 Biologist(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 Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s) or Biological Monitor(s) shall prohibit open communication with CDFW.

- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist 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 Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist 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 Biologist 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 a Covered Species 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 Biologist 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 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 Biologist(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 site upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Use of dust palliatives, binders, surfactants, or other chemical products for dust control that chemically inhibit plant growth or can be toxic to wildlife is prohibited.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 5.9. Firearms and Dogs.** Permittee 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.
- 5.10. 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. The use of shield, protective mats, or use of 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 worker education program described in Condition of Approval 5.4.
- 5.11. Delineation of Property Boundaries.** Before starting Covered Activities for each O&M activity, Permittee shall clearly delineate the boundaries of the active Work Area where the Covered Activities will occur for that maintenance project with fencing, stakes, or flags. A Work Area is defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur for a single O&M Activity. Permittee shall restrict all Covered

Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that Work Area at which time the fencing, stakes, and/or flags shall be removed.

- 5.12. Delineation of Habitat.** Permittee shall clearly delineate habitat and/or known clumps of the Covered Species within 50 feet of a Work 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.
- 5.13. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not otherwise 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. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour when off pavement to avoid Covered Species. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.14. 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 as described in Condition of Approval 5.13 of this ITP.
- 5.15. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.16. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and Cactus Preserve under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.17. 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 14 calendar days before starting each operations and maintenance action (Covered Activities) and shall document compliance with all pre-Project Conditions of Approval before starting each operations and maintenance action (Covered Activities) undertaken during the duration of this ITP.
- 6.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist shall immediately notify CDFW if the 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 or Designated Biologist 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 Biologist(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, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered ground- or vegetation-disturbing activity. The Designated Biologist(s) shall conduct compliance inspections once per day during active construction (Covered Activities). 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 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 Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species, survey results, and monitoring activities required by this ITP.

- 6.4. Covered Species Translocation Plan.** Permittee shall submit a Covered Species Translocation Plan to CDFW for review and written approval at least 30 days before starting initial Covered Activities. Translocation activities shall not proceed until the translocation plan has been approved in writing by CDFW's Regional Representative. The Covered Species

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 Cactus Preserve (layout design maps), identification on a map of previous transplants and other known locations of Covered Species at the Cactus Preserve, replanting methods, monitoring plan according to Condition of Approval 7.10, five-year contingency plan to remedy unsuccessful translocations, record keeping methods, and a reporting plan. Only the Designated Biologist or approved Designated Monitors under the direct supervision of the Designated Biologist 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 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 Biologist(s) shall maintain a record of all Covered Species translocated. 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 Biologist(s) shall prepare a Translocation Summary and include it in the Annual Status Report described in Condition of Approval 6.6 below. The Translocation Summary in the Final Mitigation Report described in Condition of Approval 6.8 below shall include cumulative results, analysis of data collected, and conclusions.

6.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) addressing actions that occurred during the previous calendar year (reporting period) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. 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), the CDFW Regional Office CESA Program e-mail for renewable energy is RRR.R4@wildlife.ca.gov, and the CDFW Headquarters CESA Program email is CESA@wildlife.ca.gov. Each ASR shall include, at a minimum:

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- (1) a general description of the status of the Project Area and Covered Activities for the reporting period;
- (2) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure for the reporting period;
- (3) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts;
- (4) all available information about Project-related incidental take of the Covered Species for the reporting period;
- (5) a summary of each translocation activity undertaken during the reporting period and a summary of the ongoing monitoring of previously translocated Covered Species;
- (6) information about other Project impacts on the Covered Species for the reporting period;
- (7) a summary of all compliance monitoring and surveys associated with ground-disturbing Project activities;
- (8) beginning and ending dates of maintenance activities undertaken during the reporting period ; and
- (9) summary of the cumulative number, 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 Biologist 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 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 Biologist 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 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 Project impacts of the taking on Covered Species;
- (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and
- (8) any other pertinent information.

6.9. Notification of Take or Damage. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or damaged by a Project-related activity, or if a Covered Species is otherwise found dead or damaged within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW via email to the CDFW Regional Representative and the CDFW Regional Office CESA Program, identified in Condition of Approval 6.6. The initial notification to CDFW shall include information regarding the location, species, and number of individuals taken or damaged and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the individuals (GPS coordinates), photograph, explanation as to cause of take or damage, and any other pertinent information.

7. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Designated Biologist On-Site.** A Designated Biologist 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 new access roads or routes in the field from the paved or otherwise 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 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 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 regulations. Permittee shall only apply herbicide via ground application when wind speed measures less than three miles per hour. All herbicide used within the 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 other “Waters of the State” in accordance with Fish and Game Code 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 seed mixture, substrate, and application method to CDFW for review and 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 Biologist(s) shall perform pre-construction surveys for Covered Species no more than 30 days prior to conducting Covered Activities for each Work Area, as defined in 5.11 above, within the Project Area. Surveys shall include 100 percent coverage of each Work Area undergoing Covered Activities and a 50-foot buffer for detection of the Covered Species. All potential and known Covered Species detected shall be flagged and mapped. The Designated Biologist 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 Biologist(s) shall be notified of emergency activities as soon as is practicable and shall survey for Covered Species within each Work Area and 50-foot buffer as soon as is practicable after being notified of unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after beginning Covered Activities during forced outage or emergency activities.
- 7.8. Covered Species Avoidance.** All Covered Species that would 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 Biologist(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 would 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 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 Biologist shall translocate Covered Species that cannot be avoided per Condition of Approval 7.8 prior to the start of Covered Activities in each Work Area. The Designated Biologist shall translocate Covered Species to the Cactus Preserve and according to the Covered Species Translocation Plan approved by CDFW according to Condition of Approval 6.4. Covered Species translocation shall not begin until CDFW has provided written approval to proceed with Covered Species translocation.

7.10. Translocated Covered Species Monitoring. The density of plantings in the Cactus Preserve shall not exceed densities that occur naturally in the vicinity of the Project. Pads shall be taken from the translocated clumps of cacti and planted at the Cactus Preserve to increase the number of plants. A minimum success criterion for each translocation effort will be a patch of no fewer translocated cacti persisting each year for the first five years, without watering or supplemental plantings, than the total number of rooted cacti (i.e., not including individual pads that are separated to increase plantings) that were translocated. Monitoring will occur at least once annually for the first five years and then once every five years thereafter until the expiration date of this ITP. Covered Species translocated within the final 10 years of this ITP shall be monitored for a period of 10 years. The required final success criteria is establishment of an equivalent number of cacti to the number of rooted plants that were translocated, in self-sustaining patches at year 25, or up to 10 years following the final translocation effort, without any watering or supplemental plantings having occurred within the last 5 years, and a stable or increasing number of cacti within each translocated patch. Alternatively, success criteria may be tied to density of cacti in naturally occurring nearby patches. This latter method will require monitoring the density of cacti within nearby patches to determine whether fluctuations in density of cacti in translocated patches is correlated with natural fluctuations in density.

8. Habitat Management Land Acquisition: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an

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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 protected acreage required to provide for adequate compensation.

The previously referenced ITP 2081-2011-031-04 (now expired) issued for initial construction of the Cameron Ridge Wind Energy Facility required the acquisition of Habitat Management (HM) lands. At that time, Permittee set aside a 9.47-acre section (hereafter, Cactus Preserve) of a 23-acre parcel (APN 237-450-01) to be used as HM Lands and is in the process of recording a CDFW-approved Conservation Easement on that parcel.

ITP 2081-2011-031-04 (now expired) authorized the take of up to 34 individual Covered Species clumps and 27 were ultimately taken and translocated to the Cactus Preserve during construction in 2012. The Cactus Preserve is currently owned and managed by Permittee under a Draft Long-Term Management Plan.

The take of 27 individuals (clumps or pads) of the Covered Species under ITP 2081-2011-031-04 (now expired) were 7 short of that authorized. Take of up to 7 Covered Species (clumps or pads) is authorized in this current ITP for the O&M of the facility constructed under ITP 2081-2011-031-04 (now expired). CDFW has conceptually agreed that the 9.47-acre Cactus Preserve previously set aside will meet the permanent protection and perpetual management of compensatory habitat required for both ITPs. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 9 months of the effective date of this ITP if financial security, in addition to the \$610,463.00 previously provided under ITP 2081-2011-031-04, is provided pursuant to Condition of Approval 9 below.

While acquisition of additional HM lands (acreage) is not required by this ITP, the additional security is required to account for inflation and the presumption of the permanent protection and management of up to 3 acres of HM lands containing at least 14 individual clumps or pads of Covered Species (if it were required for acquisition) 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.

8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:

- 8.1.1. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.6 below, estimated at **\$17,982.43**;
- 8.1.2. Interim management period funding as described in Condition of Approval 8.2.7 below, estimated at **\$89,835.77**;

8.1.3. Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$191,650.39/acre for 3 acres: **\$574,951.17**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

8.1.4. 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 9.5, estimated at **\$12,000.00**.

8.2. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

8.2.1. Conservation Easement. 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 elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

8.2.2. Fee Title. If CDFW or other CDFW-approved entity does not act as grantee for a conservation easement, Permittee shall transfer fee title of 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.

8.2.3. HM Lands Approval. 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, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species.

- 8.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). 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.
- 8.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.2.6. Start-up Activities. 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 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) (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.
- 8.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment (see Condition of Approval 8.3 below) 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, vegetation and invasive species management, Covered Species surveys and monitoring, equipment, travel, and other necessary management activities.

Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to

manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.3. Endowment Fund.** If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 8.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

- 8.3.1. Identify an Endowment Manager.** The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.

Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).

Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

- 8.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.
- 8.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- 8.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.3.2.2.3. Non-annualized Expenses. 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.
- 8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

8.3.4. Management of the Endowment. 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 this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.

8.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9. **Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

9.1. Security Amount. The Security shall be in the amount of **\$694,769.37** This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

- 9.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal.** Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- 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.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 9 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

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 the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would 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 to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

If CDFW determines the 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 the 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 Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Compliance with Other Laws:

This ITP sets forth CDFW's requirements for the 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 law.

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2020-036-04) in 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
Telephone (559) 243-4005
Julie.Vance@wildlife.ca.gov

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

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CAMERON RIDGE WIND ENERGY OPERATIONS AND MAINTENANCE PROJECT

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

XIII. 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. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Mitigated Negative Declarations (SCH Nos. 2002051151, 2003041108, 2010031096, 2010031109), related to twelve zoning classification changes, dated August 30, 2002, March 16, 2004, July 21, 2010, July 22, 2010, respectively, that Kern County adopted for Cameron Ridge Wind Energy Project on August 30, 2002, March 16, 2004, July 21, 2010, July 22, 2010, respectively, and the *Addendum Mitigated Negative Declaration* on April 21, 2011, which referenced all prior zoning classification changes. At the time the lead agency adopted the Mitigated Negative Declarations and approved the Project it also adopted various mitigation measures for 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 Mitigated Negative Declarations for the Project and the 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 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.

XIV. 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, subds, (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, Cameron Ridge Wind Energy Project Mitigated Negative Declarations, the associated addenda, 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 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 Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP in conjunction with the implementation of the measures established under ITP 2081-2011-031-04 and as described in both the attached MMRP and the MMRP attached to ITP 2081-2011-031-04. Measures include: (1) salvage and translocation of covered species; (2) permanent habitat protection; (3) establishment of avoidance zones; (4) worker education; and (5) Annual Compliance Reports. 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 CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of the 9.47-acre Cactus Preserve previously established as compensatory habitat and that supports at least 14 additional clumps or pads of the Covered Species and that is of equal or higher quality than the habitat being destroyed by the Project, 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 the conditions of 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;
- (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, and this finding includes consideration of the 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 concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XV. Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Location Map
FIGURE 3	Covered Species Known Locations
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Cactus Translocation (Revegetation) Guidance
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 3/8/2024

DocuSigned by:

FA83E09FE08945A

Julie A. Vance, Regional Manager
Central Region

ATTACHMENTS

Figure 1: Project Vicinity Map

Figure 2: Project Location Map

Figure 3: Covered Species Known Locations

Attachment 1: Mitigation Monitoring and Reporting Program

Attachment 2: Biologist Resume Form

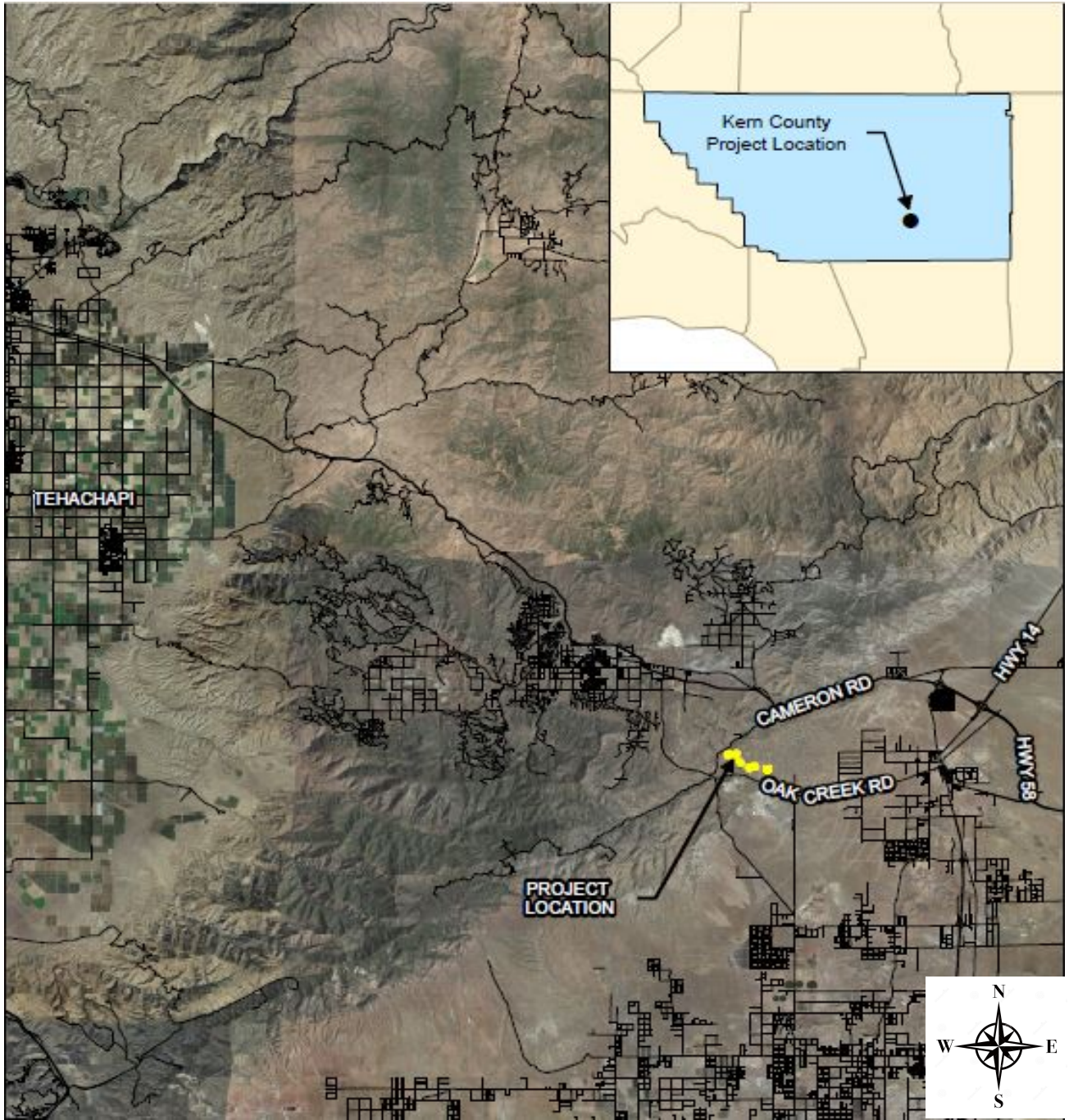
Attachment 3: Cactus Translocation (Revegetation) Guidance

Attachment 4: Letter of Credit Form

Attachment 5: Mitigation Payment Transmittal Form

FIGURE 1
Project Vicinity Map

Cameron Ridge Wind Energy Project



CAMAS
Environmental & Regulatory Professionals

Figure 1: Site Vicinity Map

FIGURE 2

Project Location Map

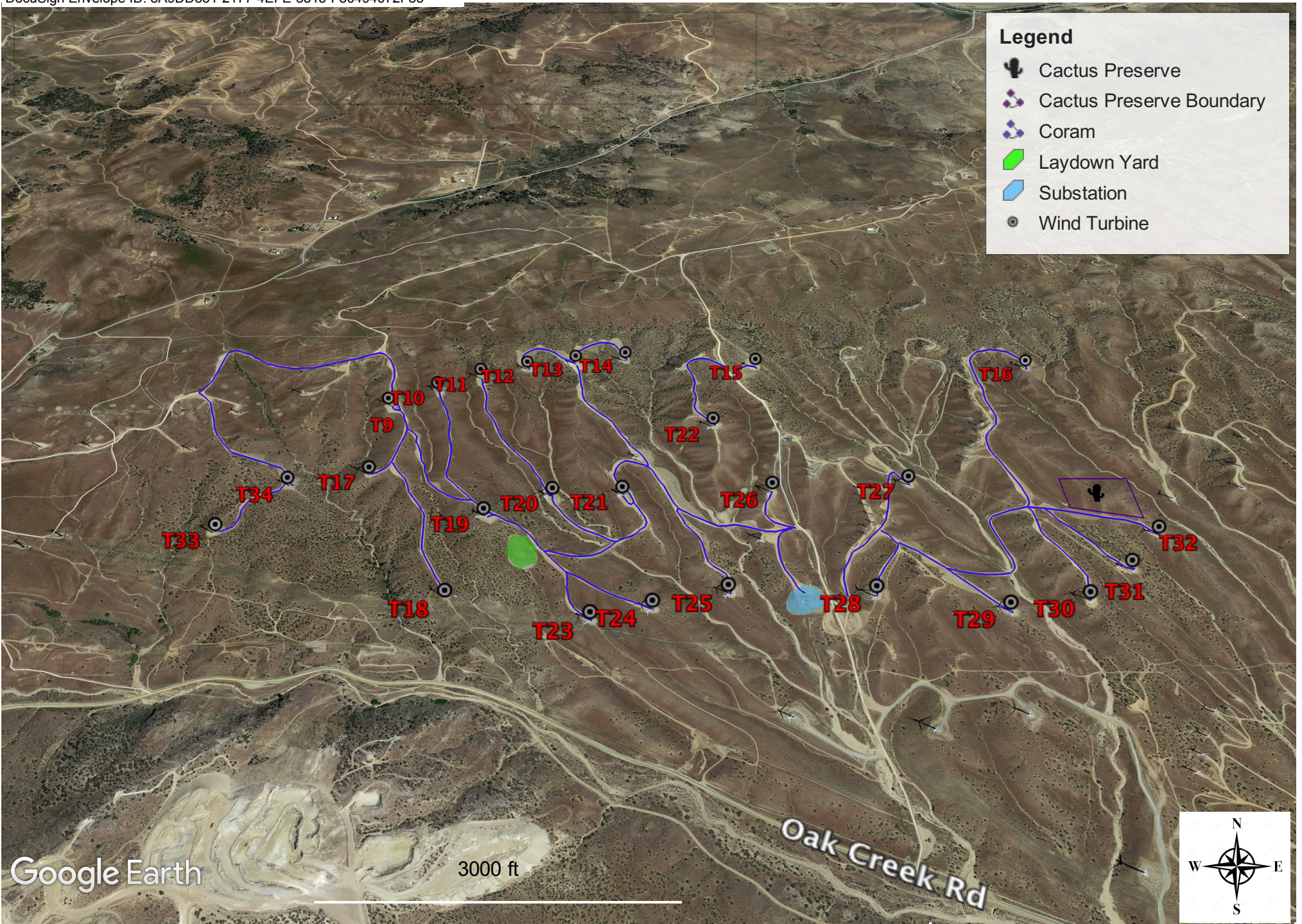


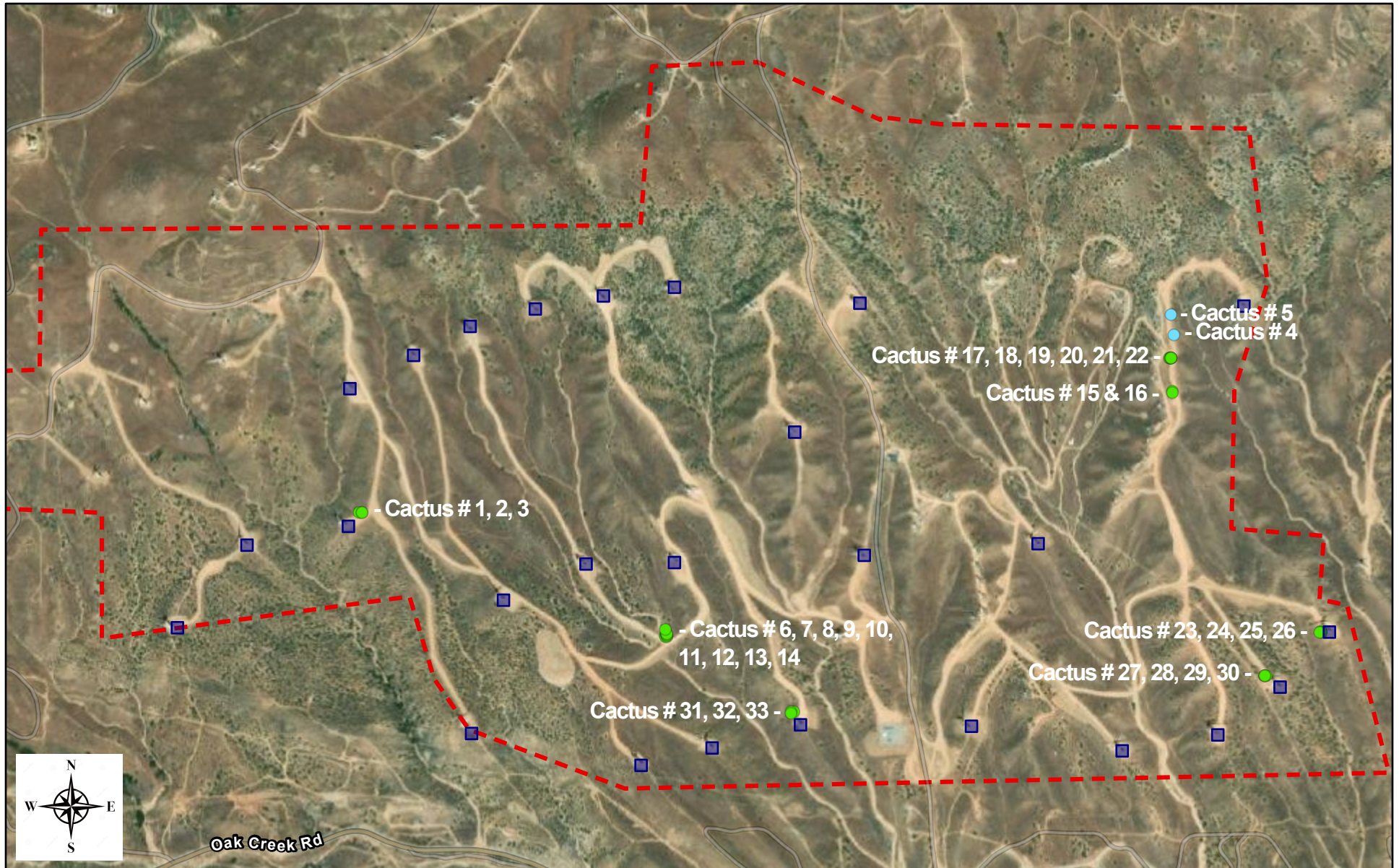
Figure 2 - Construction and O&M Disturbance Area



FIGURE 3

Covered Species Known Locations

Figure 3. Bakersfield Cactus Locations

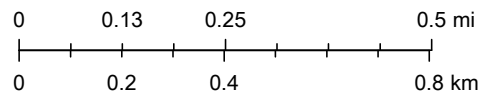


7/14/2020

1:18,000

■ Turbines

● Bakersfield Cactus



--- Project Area

● Take May Likely Occur

● Avoidable

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,



ATTACHMENT 1

Mitigation Monitoring and Reporting Form

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2020-036-04

PERMITTEE: Coram California Development, L.P.

**PROJECT: Cameron Ridge Wind Energy
Operations and Maintenance Project**

PURPOSE OF THE MMRP

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

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	<u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s), and Biological Monitor(s).</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history excavating, handling, and translocating of the Covered Species. The Designated Biologist(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 Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s) or Biological Monitor(s) shall prohibit open communication with CDFW.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program.</u> 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 Biologist 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. 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.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Use of dust palliatives, binders, surfactants, or other chemical products for dust control that chemically inhibit plant growth or can be toxic to wildlife is prohibited. Permittee shall obtain CDFW's written approval prior to applying any dust suppressant product. With the approval request, Permittee shall provide to CDFW the product's materials safety data sheet (MSDS) and all relevant environmental testing literature, proposed application rates and methods, proposed application location(s), and proposed duration of applications.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities for each O&M activity, Permittee shall clearly delineate the boundaries of the active Work Area where the Covered Activities will occur for that maintenance project with fencing, stakes, or flags. A Work Area is defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur for a single O&M Activity. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that Work Area at which time the fencing, stakes, and/or flags shall be removed.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat and/or known clumps of the Covered Species within 50 feet of a Work 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	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Covered Species Translocation Plan</u> . Permittee shall submit a Covered Species Translocation Plan to CDFW at least 30 days before starting initial Covered Activities. Translocation activities shall not proceed until the translocation plan has been approved in writing by CDFW's Regional Representative. The Covered Species 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 Cactus Preserve (layout design maps), identification on a map of previous transplants and other known locations of Covered Species at the Cactus Preserve, replanting methods, monitoring plan according to Condition of Approval 7.10, five-year contingency plan to remedy unsuccessful translocations, record keeping methods, and a reporting plan. Only the Designated Biologist or approved Designated Monitors under the direct supervision of the Designated Biologist are authorized to translocate the Covered Species. Once the Covered Species Translocation Plan is approved, it shall be used for the duration of the ITP. Any proposed changes to the approved plan shall be submitted in writing to CDFW and approved in writing by CDFW prior to implementation of the proposed modifications.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>Pre-Construction Surveys.</u> The Designated Biologist(s) shall perform pre-construction surveys for Covered Species no more than 30 days prior to conducting Covered Activities for each Work Area, as defined in 5.11, within the Project Area. Surveys shall include 100 percent coverage of each Work Area undergoing Covered Activities and a 50-foot buffer for detection Covered Species. All potential and known Covered Species detected shall be flagged and mapped. The Designated Biologist 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 Biologist(s) shall be notified of emergency activities as soon as is practicable and shall survey for Covered Species within each Work Area and 50-foot buffer as soon as is practicable after being notified of unanticipated emergencies. Permittee shall notify CDFW no later than 24-hours after beginning Covered Activities during forced outage or emergency activities.	ITP Condition # 7.7	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	<u>Covered Species Avoidance.</u> All Covered Species that would 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 Biologist(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 would 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 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.	ITP Condition # 7.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	<u>Covered Species Translocation.</u> The Designated Biologist shall translocate Covered Species that cannot be avoided per Condition of Approval 7.8 prior to the start of Covered Activities in each Work Area. The Designated Biologist shall translocate Covered Species to the Cactus Preserve and according to the Covered Species Translocation Plan approved by CDFW according to Condition of Approval 6.4. Covered Species translocation shall not begin until CDFW has provided written approval to proceed with Covered Species translocation.	ITP Condition # 7.9	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p><u>Translocated Covered Species Monitoring</u>. The density of plantings in the Cactus Preserve shall not exceed densities that occur naturally in the vicinity of the Project. Pads shall be taken from the translocated clumps of cacti and planted at the Cactus Preserve to increase the number of plants. A minimum success criterion for each translocation effort will be a patch of no fewer translocated cacti persisting each year for the first five years, without watering or supplemental plantings, than the total number of rooted cacti (i.e., not including individual pads that are separated to increase plantings) that were translocated. Monitoring will occur at least once annually for the first five years and then once every five years thereafter until the expiration date of the ITP. Covered Species translocated within the final 10 years of the ITP shall be monitored for a period of 10 years. The required final success criteria is establishment of an equivalent number of cacti to the number of rooted plants that were translocated, in self-sustaining patches at year 25, or up to 10 years following the final translocation effort, without any watering or supplemental plantings having occurred within the last 5 years, and a stable or increasing number of cacti within each translocated patch. Alternatively, success criteria may be tied to density of cacti in naturally occurring nearby patches. This latter method will require monitoring the density of cacti within nearby patches to determine whether fluctuations in density of cacti in translocated patches is correlated with natural fluctuations in density.</p>	ITP Condition # 7.10	Before commencing ground- or vegetation-disturbing activities / Entire Project / Post Construction	Permittee	
14	<p><u>Habitat Management Land Acquisition</u>. CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from 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 protected acreage required to provide for adequate compensation.</p> <p>The previously referenced ITP 2081-2011-031-04 (now expired) issued for initial construction of the Cameron Ridge Wind Energy Facility required the acquisition of Habitat Management (HM) lands. At that time, Permittee set aside a 9.47-acre section of a 23-acre parcel to be used as HM Lands and is in process of securing a CDFW-approved Conservation Easement for that parcel.</p> <p>ITP 2081-2011-031-04 authorized the take of up to 34 individual Covered Species clumps and 27 were ultimately taken and translocated during construction in 2012. The Cactus Preserve is currently owned and managed by Permittee under a Draft Long-Term Management Plan.</p> <p>The take of 27 individuals (clumps or pads) of the Covered Species under ITP 2081-2011-031-04 were 7 short of that authorized. Take of up to 7 Covered Species is authorized in this current ITP for the O&M of the facility constructed under that ITP. CDFW has conceptually agreed that the 9.47-acre parcel previously set aside will meet the permanent protection and perpetual management of compensatory habitat required. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 18 months of the effective date of the ITP if financial security, in addition to the \$610,463.00 previously provided under ITP 2081-2011-031-04, is provided pursuant to Condition of Approval 9.</p> <p>While additional HM lands (acreage) is not required by the ITP, the additional security is required to account for inflation and the presumption of the permanent protection and management of up to 3 acres of HM lands containing at least 14 individual clumps of Covered Species (if it were required for acquisition) pursuant to Condition of Approval 8.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3.</p>	ITP Condition # 8	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
15	<p>Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:</p> <p>Land acquisition costs for HM lands identified in Condition of Approval 8.2, estimated at \$5,000/acre for 3 acres: \$0. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</p> <p>All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 8.2.1 and 8.2.2, estimated at \$0;</p> <p>Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.6, estimated at \$17,982.43;</p> <p>Interim management period funding as described in Condition of Approval 8.2.7, estimated at \$89,835.77;</p> <p>Long-term management funding as described in Condition of Approval 8.3, estimated at \$191,650.39/acre for 3 acres: \$574,951.16. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>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 9.5], estimated at \$12,000.00.</p> <p>All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$0.</p>	ITP Condition #8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	<p>Conservation Easement. 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 elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.</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)	Permittee	
17	<p>Fee Title. If CDFW or other CDFW-approved entity does not act as grantee for a conservation easement, Permittee shall transfer fee title of 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.</p>	ITP Condition #8.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>HM Lands Approval</u> . 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, documentation 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 #8.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
19	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). 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 #8.2.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
20	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.	ITP Condition #8.2.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	<u>Start-up Activities</u> . 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 https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline) (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 #8.2.6	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
22	<p><u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment (see Condition of Approval 8.3) and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, Covered Species surveys and monitoring, equipment, travel, and other necessary management activities.</p> <p>Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	ITP Condition #8.2.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
23	<p><u>Endowment Fund</u>. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the ITP, the conservation easement, and the management plan required by Condition of Approval 8.2.6. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition #8.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<p><u>Identify an Endowment Manager.</u> 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.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	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)	Permittee	
25	<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p>	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)	Permittee	
26	<p><u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p>	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)	Permittee	
27	<p><u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p><u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p><u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p><u>Non-annualized Expenses.</u> 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.</p>	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)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount.	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)	Permittee	
29	<u>Management of the Endowment.</u> 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. Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds. Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.	ITP Conditions #8.3.4	Before commencing ground- or vegetation-disturbing activities / Entire Project / Post Construction	Permittee	
30	<u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of the ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs 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
31	<p><u>Security</u>: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: <u>Security Amount</u>. The Security shall be in the amount of \$694,769.36. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p> <p><u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4), or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p><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.</p> <p><u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p><u>Security Transmittal</u>. Permittee shall transmit the Security to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p><u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.</p> <p><u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: 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> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	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
DURING CONSTRUCTION					
32	<p><u>Compliance Monitoring.</u> Designated Biologist(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, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered ground- or vegetation-disturbing activity. The Designated Biologist(s) shall conduct compliance inspections once per day during active construction (Covered Activities). The Designated Biologist(s) shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> minimize incidental take of the Covered Species; prevent unlawful take of Covered Species; check for compliance with all measures of the ITP; check all exclusion zones; and ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the designated Work Area. <p>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, survey results, and monitoring activities required by the ITP.</p>	ITP Condition # 6.3	Entire Project	Permittee	
33	<p><u>Record of Covered Species Translocation Efforts.</u> The Designated Biologist(s) shall maintain a record of all Covered Species translocated. This information shall include for each individual clump:</p> <ol style="list-style-type: none"> 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. <p>The Designated Biologist(s) shall prepare a Translocation Summary and include it in the Annual Status Report described in Condition of Approval 6.6. The Translocation Summary in the Final Mitigation Report described in Condition of Approval 6.8 shall include cumulative results, analysis of data collected, and conclusions.</p>	ITP Condition # 6.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report. 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 the ITP's approval, the CDFW Regional Representative is Jim Vang (Jim.Vang@wildlife.ca.gov), the CDFW Regional Office CESA Program e-mail for renewable energy is RRR.R4@wildlife.ca.gov , and the CDFW Headquarters CESA Program email is CESA@wildlife.ca.gov . Each ASR shall include, at a minimum: a general description of the status of the Project Area and Covered Activities; a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; all available information about Project-related incidental take of the Covered Species; a summary of each translocation activity undertaken during the reporting year and a summary of the ongoing monitoring of previously translocated Covered Species; information about other Project impacts on the Covered Species; a summary of all compliance monitoring and surveys associated with ground-disturbing Project activities; beginning and ending dates of maintenance activities undertaken during the reporting year; and summary of the cumulative number, type, and location on a map of maintenance activities relative to the location of Covered Species during all previous years.	ITP Condition # 6.6	Entire Project	Permittee	
35	CNDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next ASR.	ITP Condition # 6.7	Entire Project	Permittee	
36	Notification of Non-compliance. The Designated Representative or Designated Biologist shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative or Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	Entire Project	Permittee	
37	Construction Monitoring Documentation. The Designated Biologist(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 the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
38	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.	ITP Condition # 5.8	Entire Project	Permittee	
39	Firearms and Dogs. Permittee 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	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	<u>Wildfire Avoidance.</u> 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. The use of shield, protective mats, or use of 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 worker education program described in Condition of Approval 5.4.	ITP Condition # 5.10	Entire Project	Permittee	
41	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not otherwise cross Covered Species' habitat outside of or in route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour when off pavement to avoid Covered Species. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.13	Entire Project	Permittee	
42	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.13 of the ITP.	ITP Condition # 5.14	Entire Project	Permittee	
43	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.15	Entire Project	Permittee	
44	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project Area and Cactus Preserve under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.16	Entire Project	Permittee	
45	<u>Designated Biologist On-Site.</u> A Designated Biologist shall be on-site daily during all ground or vegetation disturbing Covered Species.	ITP Condition # 7.1	Entire Project	Permittee	
46	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 7.2	Entire Project	Permittee	
47	<u>Equipment Fueling, Water and Restroom Facilities.</u> 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 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.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	<u>Herbicide Use</u> . 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 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 regulations. Permittee shall only apply herbicide via ground application when wind speed measures less than three miles per hour. All herbicide used within the 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.	ITP Condition # 7.4	Entire Project	Permittee	
49	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State" in accordance with Fish and Game Code 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 7.5	Entire Project	Permittee	
50	<u>Erosion Control Seed Application</u> . In areas where application of seed is desired for erosion control purposes, Permittee shall submit a written description of the seed mixture, substrate, and application method to CDFW for written approval prior to each application for the duration of the 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.	ITP Condition # 7.6	Entire Project	Permittee	
51	<u>Notification of Take or Damage</u> . Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or damaged by a Project-related activity, or if a Covered Species is otherwise found dead or damaged within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW via email to the CDFW Regional Representative and the CDFW Regional Office CESA Program, identified in Condition of Approval 6.6. The initial notification to CDFW shall include information regarding the location, species, and number of individuals taken or damaged and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the individuals (GPS coordinates), photograph, explanation as to cause of take or damage, and any other pertinent information.	ITP Condition # 6.9	Entire Project	Permittee	
52	<u>Designated Biologist Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) shall immediately stop any activity that does not comply with the 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 Site and otherwise facilitate the Designated Biologist(s) in the performance of his/her duties. If the Designated Biologist(s) is unable to comply with the ITP, then the Designated Biologist(s) 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 Biologist 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 a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 5.3	Entire Project	CDFW	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
POST-CONSTRUCTION					
53	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill material and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.17	Post-construction	Permittee	
54	<u>Final Mitigation Report</u> . No later than 45 days after completion of all Covered Activities, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: a summary of all ASRs; a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; all available information about Project-related incidental take of the Covered Species; information about other Project impacts on the Covered Species; beginning and ending dates of Covered Activities; an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; 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 any other pertinent information.	ITP Condition # 6.8	Post-construction and after completion of mitigation	Permittee	

ATTACHMENT 2

Biologist Resume Form



Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Number of Resumes Included in Transmittal: _____

Name	Requested Role(s) ¹	Species/Resource(s)

¹ Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a “Qualified Biologist” or “Designated Biologist” with the necessary experience to survey for special status species, or a “Designated Monitor” with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.



Department of Fish and Wildlife

BIOLOGIST RESUME FORM

This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Designated Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).

Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.

SECTION I. NAME AND CONTACT INFORMATION

Name:		Title:	
Company Name & Address:		Phone:	
		Email:	

SECTION II. EDUCATION

College/University & Degree Type Related to Natural Resource Science:	
Other Relevant Workshops & Training:	

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions ² :	

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.³ If more space is needed, add rows to this table. Provide details in Section 5.

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed <i>Provide project details in Section 5</i>	Life History Knowledge <i>Describe formal workshops & training with dates, or informal training details</i>	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities <i>This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements</i>	
Insert Species or Resource 1	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:

² List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Designated Monitor).

³ Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

This section details experience from the three most recent and relevant projects for each species and resource identified in Section 4. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

A. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s) ⁴ :	
Survey Type(s) ⁵ :		Construction Monitoring ⁶ :	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB ⁷ (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

⁴ Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."

⁵ For example, pre-construction survey or description of the protocol or guideline followed.

⁶ Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

⁷ CNDDDB is the abbreviation for California Natural Diversity Database.

Project Name:
LSA Agreement/ITP Number(s):

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

B. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

Project Name:
LSA Agreement/ITP Number(s):

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

C. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

Project Name:
LSA Agreement/ITP Number(s):

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

ATTACHMENT 3

Cactus Translocation (Revegetation) Guidance

Cactus Translocation (Revegetation)

Comments prepared by Mary Ann Showers, DFG
September 22, 2005

Revegetation (Compiled from several sources)

- Salvage plants during the winter, preferably after the onset of the rainy season, to minimize heat stress and transplant shock.
- Plants may be transplanted using heavy equipment or by hand.
- Flag the north side of the plant for orientation when replanted. Plants should be installed in the same orientation as they grew to minimize sunburn and tissue damage. Cacti increase the thickness of tissue on the sides of plants facing the sun; it is correspondingly thinner on the shade side.
- Plants to be salvaged should be healthy; if not restrict salvage to healthy stems or pads (these may require rooting before outplanting). Pads will root if placed flat on a moist substrate.
- Take as much soil as possible with the roots to minimize disruption of the mycorrhizal relationships. This approach may not be successful in very sandy or rocky soils.
- Take as much of the lateral roots as possible, ensuring that no primary roots are lost or damaged. Cut lateral roots approximately 1.5 times the plant radius away from the center of the plant. Roots should be cut approximately 6 inches beyond the perimeter of the plant for small plants and 12 to 18 inches beyond the perimeter for large plants.
- Jelly-rolling with burlap or other material protects the roots of plants, but will not be necessary if plants are placed to cure (see below).
- Damaged roots should be pruned back to healthy tissue. Powdered sulphur can be applied to damaged areas.
- Air curing is recommended instead of using powdered sulphur. Roots of cacti are air dried by placing the excavated plants under cover of shade for 1-2 weeks. Air curing is especially important if the roots were bruised or broken, as immediate replanting of such plants can greatly increase the risk of infection and failure of the transplant. The storage area should have good air circulation.
- Soil salvage is recommended to ensure that mycorrhizal symbionts are conserved. Soil salvage for revegetation is required of mining operations and should be a component of translocation. At a minimum, the upper six to eight inches of soil – even if sand – should be stockpiled and used to fill in planting holes. If planting is concurrent with plant salvage, the soil can be placed immediately in a truck and taken to the revegetation site. If stockpiled, the soil stockpile should be clearly identified in the field so that it is not removed as product.

- Cactus plants should be installed at the same depth of root establishment.
 - It is sometimes practice to install plants with the root mass above the ground surface so that the roots will not be exposed when soil settles. However, planting holes will need to be backfilled so that a depression doesn't form around the base of the plant.
 - If plants are installed on a slope (preferred), the root mass should not be placed above grade.
- Soil should not amended unless site-specific soil tests of the translocation (receiver) site demonstrate that the soil is of the receiver site is lacking in specific micro- or macronutrients present in donor site soils. Fertilizer is not recommended and will adversely affect native mycobionts.
- The BLM recommends installing plants in dry soil and then watering them after one week. Plants are watered monthly thereafter until plants establish.

ATTACHMENT 4
Letter of Credit Form

[Financial institution letterhead]

IRREVOCABLE STANDBY LETTER OF CREDIT
NO. **[number issued by financial institution]**

Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Post Office Box 944209
Sacramento, CA 94244-2090
Attn: HCPB Contract Coordinator

Amount: U.S. \$**[dollar number]** **[(dollar amount)]**

Expiry: **[Date]** at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, **[name of applicant]** ("Applicant"), we, **[name of financial institution]** ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$**[dollar number]** **[(dollar amount)]** ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the **[name of project]** issued by CDFW to the Applicant on **[date]** (No. **[number]**) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A,

which is attached hereto, at our office located at [***name and address of financial institution***].

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Chief of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat

Conservation Planning Branch, Post Office Box 944209, Sacramento, CA 94244-2090, Attn: HCPB Contract Coordinator; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

Re: Irrevocable Standby Letter of Credit No. **[number issued by financial institution]**

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 in the above-referenced standby letter of credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. CDFW is therefore making a drawing under the Credit in amount of U.S. \$_____.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, CDFW has executed and delivered this Certificate as of this ___ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[Insert one of the following: "Director" **or** "General Counsel" **or** "Regional Manager, **[Name of Regional Office]**" **or** "Chief, Habitat Conservation Planning Branch"]

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

Re: Irrevocable Standby Letter of Credit No. **[number issued by financial institution]**

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of this ____ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[Insert one of the following: "Director" **or** "General Counsel" **or** "Regional Manager, **[Name of Regional Office]**" **or** "Chief, Habitat Conservation Planning Branch"]

ATTACHMENT 5

Mitigation Payment Transmittal Form

State of California - Department of Fish and Wildlife
MITIGATION PAYMENT TRANSMITTAL FORM
 DFW 1057 (REV.05/18/21)

Project Applicant Instructions: Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and ASB Mitigation Tracking Number (if available) on the attached payment type.

<p>1. DATE: _____</p> <p>TO: _____ Regional Manager</p> <p>_____</p> <p>Region Office Address</p>	<p>2. FROM: _____ Name</p> <p>_____</p> <p>Mailing Address</p> <p>_____</p> <p>City, State, Zip</p> <p>_____</p> <p>Telephone Number/FAX Number</p>
<p>3. RE: _____ Project Name as appears on permit/agreement</p>	

4. AGREEMENT/ACCOUNT INFORMATION: (check the applicable type)

2081 Permit
 Conservation Bank
 2835 NCCP
 1802 Agreement
 1600 Agreement
 Other _____

Project Tracking Number

5. PAYMENT TYPE (One check per form only): The following funds are being remitted in connection with the above referenced project:

Check information:

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

- a. Endowment: for Long-Term Management Subtotal \$ _____
- b. Habitat Enhancement Subtotal \$ _____
- c. Security:
 - 1. Cash Refundable Security Deposit Subtotal \$ _____
 - 2. Letter of Credit Subtotal \$ _____
 - 1. Financial Institution: _____
 - 2. Letter of Credit Number: _____
 - 3. Date of Expiration: _____

ACCOUNTING OFFICE USE ONLY	
Description	FI\$Cal Coding
Speedchart (Project, Program, Reference, Fund)	
Reporting Structure	
Category	
Date Established: _____ By: _____	

Please send this form to asbmitigation@wildlife.ca.gov