**California Department of Fish and Wildlife**
**Inland Deserts Region**
**3602 Inland Empire Blvd., Suite C-220**
**Ontario, CA, 91764**

California Endangered Species Act
Incidental Take Permit No. 2081-2019-055-R6

**LUGO-VICTORVILLE 500 KV TRANSMISSION LINE REMEDIAL ACTION SCHEME PROJECT**

## I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take[1] of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.[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). (See Cal. Code Regs., tit. 14, § 783.4).

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| **Permittee:** | **Southern California Edison Company** |
| **Principal Officer:** | **Selya Arce, Senior Project Manager** |
| **Contact Person:** | **Selya Arce, 909.274.3709** |
| **Mailing Address:** | **2244 Walnut Grove Avenue, GO-1, Quad 2C**<br>**Rosemead, CA 91770** |

## 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 authorization to take the Covered Species shall expire on **April 15, 2029**.

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 7.7 of this ITP.

## III. Project Location:

The Lugo-Victorville Remedial Action Scheme Project (Project) is located within an existing utility corridor starting at Southern California Edison's Gale Substation in unincorporated San Bernardino County, California (approximately 1 mile east of Daggett), through SCE's Pisgah Substation immediately north of Interstate 40 (I-40), approximately 13 miles northwest of Ludlow, California, and ending near Nipton Road (Nevada State Route 164) in Clark County, Nevada, at transmission

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

[2]The 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.

tower M152-T2 on the Eldorado-Lugo 500 kV line (see Figure 1). The Project includes two segments: Segment 1 (Gale to Pisgah), which extends for approximately 29 miles between SCE's Gale Substation and SCE's Pisgah Substation, and Segment 2 (Pisgah to M152-T2 Nipton) which continues from SCE's Pisgah Substation for approximately 85 miles to transmission tower M152-T2 in Nipton, Nevada. Approximately 1.8 miles of Segment 2 is in Nevada.

The transmission line and associated supporting facilities are located on federal, state, and private land. Segments 1 and 2 cross approximately 114 miles of public and private lands within SCE's existing right-of-way (ROW). Approximately 5.7 miles of Segment 1 is located on Bureau of Land Management (BLM) lands, 1 mile on Department of Defense (DOD) lands, and 22 miles on private lands, of which 0.85 miles is adjacent to or near state lands. Approximately 26 miles of Segment 2 is located on BLM lands, 51 miles on National Park Service (NPS)–Mojave National Preserve (MNP) lands, and 7 miles on California State Lands Commission (SLC) lands.

**IV. Project Description:**

The Project includes the installation of a new telecommunication path in the existing utility corridor, including the replacement of overhead ground wire (OHGW), optical fiber nonconducting riser (OFNR) cable, and/or all-dielectric self-supporting (ADSS) fiber-optic cable between the existing Eldorado Substation in Nevada, and Cima, Pisgah, and Gale Substations in California. The primary function of the Project is to prevent thermal overloading of the existing Lugo-Victorville 500kV Transmission Line. Thermal overloading occurs when the ampacity[3] of the transmission line exceeds the rating it was designed to operate at. The proposed Project will provide reliable communication with renewable energy generators so that they can be safely taken off-line in a timely manner to prevent thermal overload. The Project is required to reliably interconnect and integrate multiple renewable generation projects in the Eastern California and Southern Nevada area onto the California Independent System Operator controlled grid.

Project-related activities are described below, organized first by Project Segment and then by Project activity description. Generally, Project activities include accessing the Project using overland travel and/or helicopter, installation of transmission line poles, installation of cables on poles, installation of underground cable and associated manholes, trench digging and repaving, cable pulling and splicing, construction staging at designated locations, delivery of construction materials to staging areas, telecommunication equipment installation at existing substations, and other activities.

**Segment 1**

Segment 1 includes work at approximately 483 existing distribution pole locations and installation of new ADSS cable and new fiber optic cable. At 27 locations along the alignment, existing distribution poles will be removed and replaced. At eight additional pole locations, existing distribution poles will be removed and replaced, and span guy wires to existing distribution poles and down guys to existing

[3] The maximum current that a conductor can carry continuously without exceeding its temperature rating.

or new anchors will be required. At three locations, additional pole support is required, consisting of span guy wires to existing distribution poles and down guys to existing or new anchors.

***Activities and Disturbance***

Project Access: Access to work areas will be provided from existing surface streets and unimproved dirt and/or gravel roads to the greatest extent possible. In locations where access roads are not available, trucks will travel overland in designated work areas from existing roads to reach the poles. At the conclusion of construction, all overland routes used for construction purposes where impacts occurred will be returned to preconstruction conditions. No new permanent roads are required for Segment 1.

Traffic Management: SCE will obtain California Department of Transportation (Caltrans) Encroachment Permits for road crossings and a San Bernardino County Road Excavation Permit for installations of the underground conduit, manholes, and poles. Traffic breaks will be limited to no more than 5 or 10 minutes in accordance with Caltrans permits and will be provided by the California Highway Patrol. Work hour restrictions will be at the discretion of the local jurisdiction. Much of the truck traffic will use major streets and would be scheduled for off-peak traffic hours. A Traffic Management Plan will be prepared for construction.

ADSS Installation on Poles: Overhead ADSS stringing will include all activities associated with the installation of cable onto cross arms on existing wood pole structures. Vibration dampeners and suspension and dead-end hardware assemblies will be installed. Light disturbance (primarily overland vehicle travel and equipment staging) will occur within an approximately 20-foot radius around each pole, although the shape of each disturbance area is dependent on topography and location.

Cable Pulling and Splicing: ADSS stringing includes all activities associated with the installation of fiber optic cables onto the overhead wood pole structures. Although stringing fiber is typically accomplished from trucks and equipment parked on existing access roads and work areas, some pulling site locations may be required in previously undisturbed areas. Typically, fiber optic cable pulling sites occur every 6,000 feet to 10,000 feet and at each line direction change. Fiber optic cable splices are required at the beginning and end of each cable pull. The dimensions of the area needed for stringing set-ups varies depending upon the terrain; however, a typical stringing set-up is approximately 60 feet by 100 feet. Where necessary due to suitable space limitations, crews can work from within a substantially smaller area. SCE anticipates being able to complete most pulling and splicing from existing roads.

ADSS Installation Crossing Dry Washes: A standard fiber optic cable installation for crossing of a dry wash will include pole framing[4] on the existing poles adjacent to either side of the dry wash; the

[4] Pole framing is a suspension support block that is oriented vertically and attached to the wood cable arm to facilitate stringing new fiber optic cable or conductor.

installation of vibration dampeners, suspension, and dead-end hardware assemblies; stringing sheaves (rollers or travelers); and attachment of 3/8-inch nylon rope. At the wood pole adjacent to the dry wash, the rope is placed through the roller which is attached to the wood cable arm and down the pole, a crew person walks through the existing dry wash with the rope to the other adjacent pole across the wash and installs this rope through the roller on the pole. This rope will be connected to the existing rope which has been placed during the framing process. Crew members stage themselves at the selected points on either end of the pulling site and communicate with each other via two-way radios to start pulling fiber optic cable with the installed 3/8-inch rope which is installed on cable pulling equipment at the designated staged areas. If there is an existing bridge spanning a dry wash where the fiber optic cable is proposed to be installed underground, the cable will instead be attached to the bridge over the wash and no ground disturbance will occur within the wash itself in these areas.

ADSS Installation in Underground Systems: ADSS installation in new underground conduit and underground structures uses a high-density polyethylene smoothwall innerduct which provides protection and identification for the fiber optic cable. The fiber optic cable will be installed in and throughout the length of the underground conduit structure (5-inch polyvinyl chloride) and underground manhole structures (4-foot width by 4-foot length by 6-foot depth). Nine new manhole structures will be installed within the road shoulder of National Trails Highway to provide access to the underground fiber optic cable. The trench for the underground conduit will be approximately 18 inches wide and 36 inches deep. The disturbance area for the trench will be repaved and/or restored following construction except for the new manhole covers.

Wood Pole Replacement or Installation: Existing wood distribution line poles will be replaced with new wood poles where the pole does not meet wind load or ground clearance requirements with the addition of fiber optic cable and 17 new telecom poles (poles that carry only ADSS) will be installed. The dimensions of the area needed for pole replacement vary depending upon the terrain; however, an approximate 100-foot x 60-foot work area is required for the distribution pole replacements. A hole about 8 feet in depth will be drilled next to the existing pole, and a new pole will be erected. The conductor will be transferred from the existing pole to the new pole and the old pole will be cut below the ground level and removed. The waste materials may be used to backfill the existing holes or will be properly disposed of at an off-site facility. Installation of the 17 telecom poles will occur adjacent to the roadway shoulder in a connected disturbance area approximately 5,100 feet long and 40 feet wide. Telecom poles will be installed similar to the distribution poles. To the extent feasible, equipment will be positioned in areas of existing disturbance. Where equipment must be positioned in native vegetation, drive-and-crush and/or cut and mow methods will be used to the extent feasible.

Construction Yards: The existing developed Daggett Construction Yard (181 acres) and Gale and Pisgah Substations (1 and 1.6 acres, respectively) will be used as construction storage areas for all material and equipment associated with Segment 1 fiber optic cable installation. The construction

yards will be used as reporting locations for workers, vehicle and equipment parking, and material storage. The yards may also have construction trailers for supervisory and clerical personnel. Existing night/security lighting at the Daggett Construction Yard and substations will be used as required. Normal maintenance and refueling of construction equipment will take place in these yards. All refueling and storage of fuels will be implemented in accordance with the existing Storm Water Pollution Plan (SWPPP) for each location. Material will be stored inside the perimeter of the fenced substations and Daggett Yard in designated areas during construction. All construction debris will be placed in appropriate on-site containers and regularly disposed of in accordance with all applicable local jurisdiction regulations. Materials commonly stored in the yards will include construction trailers, construction equipment, portable sanitation facilities, steel bundles, wood poles, ADSS cable reels, hardware, signage, consumables (such as fuel), waste materials for salvaging, recycling, or disposal, and BMP materials (straw wattles, gravel, and silt fences). Most materials associated with the construction efforts will be delivered by truck to these designated yards, while some materials may be delivered directly to the temporary telecommunications construction areas.
During the peak construction period, up to 37 private commuting vehicles and the construction vehicles/equipment will be parked at the construction yards. Crews will load materials onto work trucks and drive to the current construction location. At the end of each day, crews will return to the yard in their work vehicles and depart in their private vehicles.

**Segment 2**

Segment 2 includes work at approximately 383 existing single-circuit 500 kV lattice steel towers (LSTs), 38 OPGW pulling/stringing/tensioning sites with LST work areas, structure work areas at all LSTs that aren't also pulling/stringing/tensioning sites, 11 distribution pole locations, 15 guard structures, 38 helicopter landing zones, 2 existing substations (Pisgah and Cima), and mobilization, marshalling, and storage activities at the existing Daggett Training and Storage Yard and Nipton Construction Yard. Construction of Segment 2 will occur primarily by helicopter using all disturbance areas except those identified as structure work areas. However, the structure work areas around 356 LSTs on the Eldorado-Lugo 500 kV Transmission Line ("structure work areas") are included in the event that helicopter construction is occasionally infeasible due to weather or other unforeseen conditions. These structure work areas will be utilized for ground-based construction during OPGW stringing, if required.

***Activities and Disturbance***

Access: Installation of OPGW on existing transmission line structures will require access to each disturbance area for construction crews, materials, and equipment. Existing access roads will be used to the extent feasible for construction of the proposed Project; where needed, these roads will be maintained to allow the safe use of construction equipment. In locations where access roads are not available, trucks will travel overland to reach the poles in designated work areas. Nine segments of existing access roads that will be used are within the NPS MNP Mojave Wilderness Area. Potential

impacts to access roads located within the Mojave Wilderness Area have been analyzed in the *Minimum Requirements Decision Guide* (MRDG) in compliance with the Wilderness Act[5]. At one existing structure, M101-T5, a new temporary spur road will be required for access to the pulling, stringing, tensioning site. At the end of Project construction, all roads utilized for construction purposes where impacts occurred will be left in a condition similar or better to the condition that existed prior to the start of construction. Loose rock and slide material will be removed, as feasible, from existing roads and used to construct road dikes, fill washouts, or flatten fill slopes. All washouts, ruts, and irregularities within the construction area will be filled or removed.

Traffic Management: During construction, traffic control measures such as signage and traffic control personnel will be implemented to maintain traffic flow on Project access roads. Guard sites[6] will be in place adjacent to roadways to protect the safety of workers and the public prior to initiation of wire-stringing activities. Any crossing or encroachment permits will be obtained as necessary and complied with during construction. The proposed Project will comply with goals and policies per the San Bernardino County Policy Plan's Infrastructure & Utilities and Transportation & Mobility Elements. A Traffic Management Plan will be prepared for construction.

Wood Pole Replacement or Installation: Distribution line poles will be replaced or interset poles will be installed if the pole does not meet wind load or ground clearance requirements with the addition of fiber optic cable. An approximate 20-foot radius work area is required for the work. A hole about 8 feet in depth will be drilled next to the existing pole, and a new pole will be erected. A conductor will be transferred from the existing pole to the new pole and the old pole will be cut or removed.

ADSS Installation on Poles: Refer to the "ADSS Installation on Poles" section in Segment 1 Activities and Disturbance for activity description.

ADSS Stringing: Stringing sheaves (rollers or travelers) are attached during the framing process. The wire stringing plan sequences the cable pulls and cable pulling equipment set-up positions, pulling locations, times, and safety protocols. Fiber optic cable splices are required at the ends of each cable pull. Fiber optic cable pulling sites are selected, where possible, based on availability of pulling equipment and designated dead-end structures at the ends of each pull, geometry of the line as affected by points of inflection, terrain, and suitability of fiber optic cable stringing and splicing equipment set ups. The dimensions of the area needed for stringing setups vary depending upon the terrain; however, a typical stringing set up is 40 feet by 80 feet. Where necessary due to space limitations, crews can work within a smaller area.

OPGW Installation on Towers: OPGW will be installed on the existing transmission LSTs. OPGW is typically installed in segments of up to 19,000 feet or less depending upon various factors including

[5] The Wilderness Act, 16 U.S.C. 1131-1136 (1964). https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd645666.pdf
[6] Guard sites are temporary wooden pole structures that are set up on either side of a crossing location (such as a dry wash, flood control channel, road, or other utility) to support a conductor during Project activities and to prevent it from dropping below a conventional stringing height.

structure type, splice locations, line direction, inclination, and accessibility. Following installation of the OPGW, the strands in each segment are spliced together to form a continuous length from one end of the OPGW span line to the other. At a splice structure, the fiber cables are routed down a structure leg where splicing occurs. The splices are housed in a splice box (typically an approximate 3-foot by 3-foot by 1-foot metal enclosure) that is mounted to one of the structure legs some distance above the ground. At the towers at each end of the transmission line in Segment 2 as well as at the tower near Cima Substation, the overhead fiber will be spliced to another section of fiber optic cable that runs from the splice box to underground conduit leading into the communication room inside the adjacent substation. To support OPGW installation, tower modifications will be required, including tower retrofitting at M141-T3.

Cable Pulling and Splicing: Stringing includes all activities associated with the installation of the OPGW onto the existing LSTs, including the installation of suspension and dead-end hardware assemblies. The dimensions of the area needed for the stringing setups associated with conductor installation will vary depending on structure height and terrain but should not extend beyond the limits of the SCE ROW and approved temporary construction areas. Vegetation may be removed where necessary to safely access the site and position the stringing equipment. To the extent possible, stringing setup sites will be located on level ground. The following five steps describe the OPGW installation activities proposed by SCE:

Step 1. Setup: Develop a wire stringing plan to determine the sequence of wire pulls and the set-up locations for the pulling and tensioning equipment.

Step 2. Unclipping: Helicopters will fly personnel to each structure where they will unclip the existing wire from its hardware assembly and hang it in a wire traveler. Alternatively, if helicopters cannot be used, personnel will utilize bucket trucks or cranes with a man basket to unclip the existing wire from its hardware assembly and hang it in a wire transfer.

Step 3. Pulling: The existing wire will be utilized to pull in a rope which in turn will be used to pull in the pulling cable. The OPGW will be attached to the pulling cable using a specialized swivel to prevent damage to the wire and to allow the wire to rotate freely to prevent complications from twisting as the OPGW unwinds off the reel. Once the OPGW has been pulled in, it will be secured and prepped for dead-ending and the pulling and tensioning equipment can be staged for the next wire pull.

Step 4. Dead-Ending and Sagging: Once the OPGW has been pulled in, helicopters will fly personnel and their tools to the tower and commence the dead-ending process (making up the connections to secure the OPGW in place). When one end of the OPGW has been completed, a sag cat will be used to make the near final wire adjustments on the OPGW. Personnel will make the final adjustments to ensure the proper tensions were achieved, mark the wire where it will be clipped in, and makeup the other dead-end connection. Alternatively, if helicopters cannot be used, personnel will utilize bucket trucks or cranes with a man basket to conduct this process.

Step 5. Clipping-In: After the OPGW has been securely dead ended, the wire will be secured to all tangent structures. Helicopters will fly personnel and their tools to each structure where they will remove the traveler and place the OPGW into its shoe and secure. Alternatively, if helicopters cannot be used, personnel will utilize bucket trucks or cranes with a man basket to conduct this process at each structure. Once clipped in, OPGW "tails" will be run down the tower leg and coiled up on a bracket for future splicing. Stringing will be conducted in accordance with SCE's specifications, which are like process methods detailed in the Institute of Electrical and Electronic Engineers Standard 524-2003, Guide to the Installation of Overhead Transmission Line Conductors. To protect the safety of workers and the public, safety devices such as grounding, guard structures, and radio-equipped construction vehicles and equipment will be in place prior to initiation of wire-stringing activities.

ONFR Installation in Conduit: At locations where the OPGW connects to an underground fiber path, splices will be housed in a splice box (typically a 3-foot by 3-foot by 1-foot metal enclosure). The OPGW will be spliced to the OFNR cable in a splice case placed inside the box. The OFNR cable will be installed between both ends of the tower structure splice box via riser conduit, manholes, and underground conduits. The 500 kV towers at both sides of the crossing will have a 5-inch riser conduit installed from the splice box to an underground manhole (4 feet x 4 feet x 6 feet) adjacent to the tower. Underground conduit will be installed within a trench roughly 4 feet deep and 2 feet wide to connect both tower and manholes. Two 5-inch conduits will be placed inside the trench. A layer of slurry will be poured over the conduit for additional protection, and the excavated soils will be used to backfill the trench. Additional manholes will be installed if the underground path is longer than 1,000 feet or the underground path has angled section that would cause damage to fiber optic cable if directly pulled through. To install a precast manhole, a hole of approximately 5 feet x 5 feet x 8 feet will be excavated, the manhole will be lowered into place then be connected to the conduits. A ground wire will be installed outside of the conduits within the slurry mix and connected to the structure's tower leg at both ends of crossing. An approximate 40-foot by 60-foot (2,400-square foot) work area will be required for pull and splice equipment, and a four-person crew will be required for the underground fiber optic cable installation.

Structure Work Areas: It is SCE's intent to construct Segment 2 solely by helicopter. However, based on SCE's experience on other similar projects, there are occasionally times when helicopters cannot be used as planned for construction, such as during times of high wind, high temperature, or unexpected maintenance issues. During these times, SCE will switch from helicopter construction for the cable stringing component of the Project to ground-based construction, at which time they will use the structure work areas. SCE estimates that up to 20 percent of the structure work areas may be utilized for ground-based construction during cable stringing in the event helicopter construction is temporarily infeasible. Cable Pulling and Splicing, above, describes how ground-based construction will replace helicopter construction for Steps 2, 4, and 5 (unclipping, dead-ending and sagging, and clipping-in) of the cable stringing activity. Because ground-based construction equipment for Step 3

(pulling) will already be present on the ROW, the same equipment will be used for Steps 2, 4, and 5. Consequently, no additional equipment or personnel beyond that needed for helicopter construction will be required to use the structure work areas.

Construction Yards and Helicopter Staging Locations: The construction yards will be used as a reporting location for workers, vehicle and equipment parking, and material storage. The construction yards will have offices for supervisory and administrative personnel. Maintenance of construction equipment will be conducted at these yards. Construction yards will range between 1 and 17 acres, depending on land availability and intended use. Construction yards serving Segment 2 include Nipton Construction Yard (approximately 3.6 acres) and two substations: Pisgah (approximately 1.6 acres) and Cima (approximately 1.2 acres). Preparation of the construction yards for material delivery may include temporary perimeter fencing and depending on existing ground conditions at the site, include the application of gravel or crushed rock. The Nipton Construction Yard consists of hardscape/compacted soil with an asphalt helicopter pad. Temporary electrical and telephone connections at the construction yards will be arranged with local electrical and communication service providers, if available. Water will be provided by local vendors.
Materials commonly stored at the transmission and/or telecommunications construction staging yards will include, but not be limited to, construction trailers, construction equipment, portable sanitation facilities, steel bundles, wood poles, overhead OPGW reels, hardware, signage, consumables (such as fuel), waste materials for salvaging, recycling, or disposal, and BMP materials (straw wattles, gravel, and silt fences). A majority of materials associated with the construction efforts will be delivered by truck to designated staging yards, while some materials may be delivered directly to the temporary transmission and telecommunications construction areas. Project-related equipment and/or materials may be staged at or near each structure location, within SCE ROW or franchise. Helicopters will take off and land at all construction yards to move materials and crew members to multiple helicopter landing zones along the proposed Project ROW. At night and during non-working days the helicopter(s) will be based at Hesperia Airport, Barstow-Daggett Airport (DAG), Baker Airport, and Jean Airport and staged at the construction yards (including the Daggett Construction Yard in Segment 1). Helicopter fueling will occur at staging areas, local airports, or helicopter landing zones. Fueling will use the helicopter contractor's fuel truck and will be supervised by the helicopter fuel service provider. During stringing activities, preliminary helicopter operations/staging will be located at construction yards, and on previously disturbed areas adjacent to construction areas (including existing SCE ROW and spur roads). Any land that may be disturbed in staging areas will be restored to preconstruction conditions or to the landowner's requirements following the completion of construction. During the peak construction period for Segment 2, up to 87 construction personnel commuting vehicles and construction vehicles/equipment will be parked at the construction yards. Crews will load materials onto work trucks and drive to the current construction location. At the end of each day, crews will return to the yard in their work vehicles and depart in their private vehicles.

Pisgah and Cima Substation Work: New telecommunication equipment will be routed to and installed in the existing communication room within the Pisgah and Cima Substations. Connecting the OPGW with the substations will require several steps. About 25 feet of 4-inch vertical riser conduit will be installed from the transmission structure closest to the substation, to reach the splice box from the ground. An approximately 3 feet deep and 1.5 feet wide trench will be dug from the structure to the substation fence line. A 5-inch conduit will be placed inside the trench from the structure to the substation fence line. A layer of slurry will be poured over the conduit for additional protection. The spoils will be used to backfill the trench. At the substation fence line, the conduit will be connected to the conduit/trench inside the substation. OFNR cable will be pulled from the substation communication room through the substation trench/conduit to the last structure interface buried conduit, riser conduit, to the splice box on the structure.

Property and Easement Acquisitions: No additional property will be acquired. The Project will occur within an existing BLM ROW; Notice to Proceed from BLM is required. A new Construction Special Use Permit for the portion of Segment 2 located in the MNP will be obtained. Updated ROW Grants from BLM, authorization from SLC, and temporary rights from private property owners will be obtained, as needed.

**Construction Schedule Impacts**

Noise-generating construction activities on private land will occur between 7:00 a.m. and 7:00 p.m., consistent with the San Bernardino County Development Code. Nighttime construction work is not anticipated for the proposed Project; however, if temporary lighting is required, portable light standards will be placed along the perimeter of the work area as necessary. The light standards will be shielded, resulting in light being directed downward and inward (toward the work).

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

This ITP covers the following species:

| Name | CESA Status[7] |
|---|---|
| 1. Desert tortoise (*Gopherus agassizii*)) | Threatened[8] |
| 2. Gilded northern flicker (*Colaptes auratus chrysoides*) | Endangered[9] |

These species and only these species are the "Covered Species" for the purposes of this ITP.

[7] Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

[8] Desert tortoise is listed as a threatened species pursuant to CESA (See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(A)). In March 2020, the Fish and Game Commission received a petition to list desert tortoise as an endangered species, and on October 14, 2020, the Commission determined that listing as an endangered species may be warranted and voted to make desert tortoise a candidate for listing as an endangered species. At the time of permit issuance, desert tortoise is thus both a threatened species and a candidate species for listing as endangered. See 2020 Cal. Reg. Notice Register, No. 44-Z, pp. 1445 (October 30, 2020).

[9] Gilded northern flicker is listed as an endangered species pursuant to CESA (See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(5)(N)).

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

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include access, traffic management, ADSS installation on poles, cable pulling and splicing, ADSS installation crossing dry washes, ADSS installation in underground systems, wood pole replacement and installation, ADSS stringing, construction yard activities, OPGW installation on towers, ONFR installation in conduit, helicopter use and staging locations, and activities at Pisgah and Cima Substations; clearing and grubbing of vegetation, trenching, wire stringing, and other construction activities; general operation of vehicles and heavy equipment; noise, vibration, and dust generating activities; and capture and relocation activities (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 vehicle and equipment strikes; crushing or burial of individuals or eggs in burrows; destruction of burrows and refugia; entrapment in holes, trenches, or pipes; entanglement in on-site materials; fatal exhaustion due to fence pacing; stress induced death from handling and relocation out of harm's way; and increased predation for desert tortoise. Incidental take of individuals of gilded flicker in the form of mortality ("kill") may occur as a result of Covered Activities such as destruction of nests, eggs, or chicks from clearing, grubbing, and trimming of vegetation for equipment placement, helicopter landing zones, and/or construction laydown yards; nest abandonment from noise of Project activities (e.g., helicopters, vegetation trimming, human presence); and increased predation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture and relocation activities, entrapment within construction excavations, exclusion from habitat and refugia, prevention of movement through the Project Area, and collection or vandalism resulting from increased human presence in the area for desert tortoise. Incidental take of individuals of gilded flicker may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of gilded flicker from startling or flushing from nesting or roosting habitat, disruption of breeding or nesting behaviors, disruption of foraging or displacement from foraging habitat as a result of Project-related disturbance, and cactus/yucca salvage operations. The areas where authorized take of the Covered Species is expected to occur include: The facilities and lines where activities are occurring along Segments 1 and 2 for desert tortoise and Segment 2 for gilded flicker (collectively, the Project Area).

The Project is expected to cause the long-term loss of 174.3 acres of desert tortoise habitat. Additionally, the Project is expected to cause the long-term loss of 31.72 acres of gilded flicker habitat. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from helicopters and construction equipment, stress from capture and relocation, transfer of disease due to capture and handling, spread of invasive plants, displacement from preferred habitat, loss of burrows leading to exposure to lethal temperature extremes, loss of

nesting habitat, increased competition for food and space, and increased vulnerability to predation due to displacement from habitat loss or modification and human presence attracting opportunistic predators, the loss of native forage through vegetation removal and colonization of non-native species, fugitive dust generated by road grading that can accumulate on surrounding vegetation and degrade the quality of nesting and foraging habitats, increased risk of wildfire, and spills of hazardous materials.

**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.

**VIII. Conditions of Approval:**

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular, aircraft (e.g. helicopter) ingress and egress, staging and parking , and noise and vibration generating activities that may/will 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 the Mitigated Negative Declaration and Initial Study (SCH No.: 2023120696) CDFW adopted on March 25, 2024, 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. 1600-2020-0022-R6 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for Activities in the Mojave National Preserve, San Bernardino County, California (FWS-SB-190068-19F0391) and Biological Opinion for Activities in the California Desert Conservation Area (FWS-KRN/SBD/INY/LA/IMP/RIV-17B0532-17F1029) for

the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

5. **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.

6. **General Provisions:**

**6.1.** 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.

**6.2.** 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 2a for desert tortoise Authorized Biologist [see Condition of Approval 8.1] and Attachment 2b for gilded flicker) 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, collecting and handling 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.

**6.3.** Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP (see Condition of Approval 8.1.5 for desert tortoise), 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.

**6.4.** 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.

**6.5.** 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.

**6.6.** 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.

**6.7.** 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.

**6.8.** 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.

**6.9.** Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.

**6.10.** Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

**6.11.** Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. 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.

**6.12.** 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 6.11 of this ITP.

**6.13.** 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.

**6.14.** CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

**6.15.** 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.

**7. Monitoring, Notification and Reporting Provisions:**

**7.1.** Notification Before Commencement. 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.

**7.2.** Notification of Non-compliance. The Designated Representative 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 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.

**7.3.** Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist 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 and their sign, survey results, and monitoring activities required by this ITP.

**7.4.** Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Kyle Maxwell (Kyle.Maxwell@wildlife.ca.gov) and Headquarters CESA Program email is

CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

**7.5.** 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 this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

**7.6.** 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

**7.7.** Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in 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.

**7.8.** Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the

Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, 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 animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

**8. 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:

**Desert Tortoise**

**8.1.** Authorized Biologist(s), Biological Monitor(s), and Veterinarian(s). Southern California Edison (SCE) shall submit to CDFW in writing the name, qualifications, business address, and contact information of each Authorized Biologist and Biological Monitor proposed to conduct biological surveys and/or monitoring for desert tortoise using the Biologist Resume Form (Attachment 2a) at least 30 days before starting Covered Activities. SCE shall ensure that the Authorized Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, identification, collecting, and handling of desert tortoise. The Authorized Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid the incidental take of individual desert tortoise and to minimize disturbance of desert tortoise habitat. SCE shall obtain CDFW approval of the Authorized Biologist(s) and Biological Monitor(s) in writing before starting Project activities and shall also obtain approval in advance, in writing, if the Authorized Biologist(s) or Biological Monitor(s) must be changed. Additionally, prior to start of Project activities, SCE shall identify a veterinarian(s) (Condition of Approval 8.1.3) and wildlife rehabilitation facility(ies) (Condition of Approval 8.1.4) that can accept incidentally injured desert tortoise.

8.1.1. Authorized Biologist(s). Authorized Biologist(s) shall have knowledge of the biology and natural history of desert tortoise through education, trainings, field experience, and/or experience as an Authorized Biologist on similar projects, and experience monitoring compliance of the conditions of approval within a state or federal ITP obtained for surface-disturbing projects in desert tortoise habitat. Additionally, the Authorized Biologist for desert tortoise shall have experience with excavating burrows; handling and temporarily holding desert tortoises; relocating/translocating desert tortoises; reconstructing desert tortoise burrows; unearthing and relocating desert tortoise eggs; conducting protocol level presence/absence and clearance surveys; locating, identifying, and recording all forms of desert tortoise sign; conducting health assessments; and

attaching and removing transmitters. Authorized Biologists may serve as Biological Monitors.

8.1.2. Biological Monitor(s). The Biological Monitor(s) will be responsible for monitoring Project activities to help minimize and fully mitigate or avoid the incidental take of desert tortoise and to minimize disturbance of desert tortoise habitat. Biological Monitor(s) shall have knowledge of the biology and natural history of desert tortoise through education, trainings, field experience, and/or experience as a Biological Monitor on similar projects and shall have experience conducting protocol level presence/absence surveys, locating, identifying, and recording all forms of desert tortoise sign, and monitoring compliance of the conditions of approval within a state or federal incidental take permit in desert tortoise habitat.

8.1.3. Veterinarian(s). SCE shall identify a veterinarian(s) for desert tortoise. SCE shall obtain written confirmation before starting Project activities from the veterinarian(s) that they will accept injured desert tortoise for treatment. Written confirmation shall also contain the veterinarian's contact information. SCE shall provide a copy to CDFW for review and approval of the veterinarian and their facility in writing before starting Project activities and shall also obtain CDFW's approval in advance, in writing, if the veterinarian(s) must be changed. The contact information and location of the facilities shall be on site for the Authorized Biologist(s) during Project activities.

8.1.4. Wildlife Rehabilitation Facilities. SCE shall identify wildlife rehabilitation facilities that hold a current Memorandum of Understanding (MOU) issued by CDFW pursuant to Fish and Game Code section 2081(a) prior to start of Project activities and receive written confirmation from the facility that desert tortoise individuals can be accepted for rehabilitation before starting Project activities. Written confirmation from the facility, contact information for the point of contact at the facility, and a copy of the facility's MOU shall be provided to CDFW for review and approval. SCE shall obtain CDFW approval of the wildlife rehabilitation facilities in writing before starting Project activities and shall also obtain approval in advance, in writing, if the wildlife rehabilitation facility must be changed. The contact information and location of the facilities shall be on-site for the Authorized Biologist(s) during Project activities.

8.1.5. Authorized Biologist(s) and Biological Monitor(s) Authority. To ensure compliance with protective measures (biological resource mitigation measures contained within the mitigation and monitoring program, or conditions of approval contained in this ITP), the Authorized Biologist and/or Biological Monitor(s) shall immediately order work to stop or halt and/or order SCE or its agent to implement any reasonable measure necessary to avoid the unauthorized take of desert tortoise. If a Biological Monitor or Authorized Biologist orders work to stop or halt, work shall not resume until an Authorized Biologist determines that all activities are in compliance with the incidental take permit, as issued

by CDFW. SCE shall inform all employees, contractors, and individuals working on the Project site that the Biological Monitor(s) and Authorized Biologist(s) have the authority to stop or halt work.

**8.2.** Project Access. SCE shall ensure Project-related personnel access the Project area using existing legal routes and those routes identified in the Project description and shall not cross desert tortoise habitat outside of or en route to the Project work areas. SCE shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. SCE shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid desert tortoise on or traversing the roads. Drivers shall stop the vehicle in areas of low visibility due to terrain and exit the vehicle to review the roadway ahead to confirm desert tortoise are not within the roadway before proceeding. If a desert tortoise is encountered, drivers shall stop (or remain stopped) and wait for the desert tortoise to move off the road of its own accord out of harm's way.

**8.3.** Project Access Escorts. Along the route to the Project work area where desert tortoise may be traversing the road, the Authorized Biologist or Biological Monitor shall escort Project personnel to the Project work areas in situations where there is an increased potential for incidental take of desert tortoise through vehicular collisions due to decreased road visibility and/or lowered brake reaction time and insufficient stopping distances. Situations in which Authorized Biologist or Biological Monitor escorts shall be required include when more than two vehicles or heavy equipment are caravanning to the Project work area; when heavy equipment with limited visibility is being driven to the Project work area; and when flatbed trucks with trailers, dump trucks with trailers, and other vehicles with trailers are transporting equipment to the Project work area. The Authorized Biologist or Biological Monitor escorts and/or drivers shall stop the vehicle in areas of low visibility due to terrain and exit the vehicle to review the roadway ahead to confirm desert tortoise are not within the roadway before proceeding. If a desert tortoise is encountered, drivers shall stop (or remain stopped), wait for the desert tortoise to move off the road of its own accord out of harm's way, or until the Authorized Biologist(s) has relocated the desert tortoise.

**8.4.** Notification of Take or Injury. SCE shall notify CDFW within 24 hours if a desert tortoise is taken or injured by a Project-related activity, or if a desert tortoise is otherwise found dead or injured within the vicinity of the Project area. SCE shall also send CDFW a written report within 2 calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. In addition, the report shall identify proposed corrective measures that shall be implemented, subject to prior review and approval by CDFW, during subsequent Project activities. The corrective measures at a minimum shall propose methods to prevent or minimize future take or injury of desert tortoise in a similar manner in the future and if approved by CDFW be immediately implemented for all Project activities. For injured desert tortoise, the Authorized Biologist

shall immediately take the individual(s) to the CDFW-approved wildlife rehabilitation or veterinary facility. SCE shall bear all costs associated with the care or treatment of the injured individual(s). SCE shall be responsible for the monetary cost of the animal until the animal is permanently placed with a rehabilitation facility or re-released into the wild. SCE shall notify USFWS of take or injury of desert tortoise per their Biological Opinion.

**8.5.** Vehicle and Equipment Inspection. SCE shall require workers to inspect for desert tortoise under vehicles and equipment before the vehicles and equipment are moved. If a desert tortoise is present, the worker shall contact the Authorized Biologist(s) or Biological Monitor(s) and wait for the individual to move unimpeded to a safe location or the Authorized Biologist(s) shall relocate the individual before moving vehicles and equipment.

**8.6.** Desert Tortoise Pre-Activity Presence/Absence Surveys. No more than 30 calendar days prior to the start of any surface-disturbing Project activities, the Authorized Biologist(s) and Biological Monitor(s) approved by CDFW for the task shall conduct pre-activity presence/absence surveys for desert tortoise within each Project work area. Presence/absence surveys shall be conducted using the methods described in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual). In addition to the guidance provided in the USFWS Field Manual, SCE shall also comply with the following CDFW requirement(s): Pre-activity presence/absence surveys shall be completed using perpendicular survey routes and cannot be combined with other surveys conducted for other species while using the same personnel. Surveys shall cover 100 percent of the Project work area and a 300-foot buffer zone. The Authorized Biologist(s) or Biological Monitor(s) shall record all desert tortoise live individuals, burrows, or other sign within the survey area using high-accuracy (< 1 meter) global positioning system (GPS) technology. The Authorized Biologist(s) or Biological Monitors(s) shall visually demarcate all potential desert tortoise burrows within each Project work area and 50-foot buffer to alert biological and work crews to their presence in a manner that does not attract predators. The Authorized Biologist(s) or Biological Monitors(s) shall provide the results of the pre-activity presence/absence survey (using the USFWS Protocol data sheet) to CDFW quarterly.

**8.7.** Desert Tortoise Pre-Activity Clearance Surveys. Within 24 hours prior to start of Project activities, the Authorized Biologist(s) approved under the CDFW ITP for this activity shall conduct pre-activity clearance surveys for desert tortoise, using the methods described in the most recent USFWS Field Manual. In addition to the guidance provided in the USFWS Field Manual, SCE shall comply with the following CDFW requirement(s): Pre-activity clearance surveys shall be completed using perpendicular survey routes and cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two (2) negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented, and these surveys shall cover 100 percent of the Project work area and a 50-foot buffer zone. The Authorized

Biologist(s) shall record any new desert tortoise individuals, burrows, or other signs that were not documented in the presence/absence survey using high-accuracy (< 1 meter) global positioning system (GPS) technology. The Authorized Biologist shall visually demarcate any new potential desert tortoise burrows within each Project work area or 50-foot buffer zone to alert biological and work crews to their presence in a manner that does not attract predators and ensure previous demarcation materials remained intact. The use of specialized equipment (e.g., fiber optics) shall be used to thoroughly inspect all burrows. SCE shall provide the results of the pre- activity clearance survey (using the USFWS Protocol data sheet) to CDFW within 5 working days of completing the surveys.

**8.8.** Desert Tortoise Exclusionary Fencing. SCE shall construct any temporary or permanent desert tortoise fencing used during surface disturbing Project activities in the Project area according to the USFWS Field Manual. Any request for variance to the fencing specifications within the USFWS Manual shall be reviewed and approved by CDFW and USFWS on a case-by-case basis prior to the Project activity. The Authorized Biologist(s) shall immediately conduct an additional clearance survey following the erection of desert tortoise exclusionary fencing within the fenced area. The Authorized Biologist(s) shall inspect the desert tortoise fence each morning prior to the start of Project activities, during Project activities, and at the end of the workday after Project activities have ceased. The Authorized Biologist(s) shall inspect the fence within 24 hours after major rainfall events prior to recommencing Project activities to ensure the fence is not compromised. SCE shall repair the fence immediately if the fence is found down or a hole is discovered. The Authorized Biologist(s) shall perform a clearance survey immediately after the fencing is repaired and prior to re-commencing Project activities.

**8.9.** Unfenced Project Work Areas. Any surface-disturbing Project activities conducted in an area that is not fenced to exclude desert tortoises shall be monitored by an Authorized Biologist who shall halt work if a desert tortoise enters the Project work area or an adjacent area where take or injury to the individual may occur. Project work activities shall only proceed at the site after the desert tortoise has either moved away of its own accord or has been relocated off the site per the Desert Tortoise Relocation Plan (Condition of Approval 8.10) approved by USFWS and CDFW. Any Project activities that do not require surface disturbance shall have an Authorized Biologist on-call that can immediately go into the field to address compliance with these mitigation measures and the ITP.

**8.10.** Desert Tortoise Relocation Plan. No desert tortoise may be handled or relocated without authorization from USFWS and CDFW. Regardless of the number of desert tortoise estimated to be relocated a short distance away out of harm's way, SCE shall prepare a Desert Tortoise Relocation Plan for CDFW and USFW review at least 60 calendar days prior to start of all Project activities. The relocation plan shall follow the most current guidelines provided by USFWS and CDFW regarding desert tortoise translocation. The relocation plan shall include parameters in which Authorized Biologists may relocate desert tortoise to

minimize impact to the individual. The plan shall contain at a minimum the following descriptions: recipient site selection criteria and characteristics that will benefit the relocated desert tortoise (including land ownership, maximum distance from Project activities work area based on surround land uses, presence of native vegetation species and percentage of cover, no predator sign and concentrations, friable soil types, and lack of anthropogenic features); minimum distance away from paved highway/roads to reduce vehicular strikes; survey requirement to identify unoccupied natural burrows available for immediate use or enhancement and the creation and design of supplemental artificial burrows within the site; procedures for relocation of tortoises and eggs; post-relocation monitoring of individuals by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety; health assessments; shade structures and shelters to minimize potential heat stress and exposure to lethal temperatures; disinfectant and sanitation to prevent spread of disease; handling and releasing procedures including temperature restrictions to prevent overheating (no desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F)), and requirements to rehydrate the individuals that void their bladder during handling at the location where the individual was captured, or the location where the individual will be released out of harm's way by the Authorized Biologist; attaching transmitters to assist with monitoring; transporting procedures; temporary penning procedures; construction coordination; and quarterly reporting requirements to CDFW. All CDFW and USFWS comments shall be resolved and incorporated into a final Desert Tortoise Relocation Plan. Project activities shall not commence until the plan is approved in writing by CDFW and USFWS. The Authorized Biologist(s) shall maintain a record of all desert tortoises handled. The Desert Tortoise Relocation Plan shall be updated and otherwise amended to include the latest science and guidance as directed by CDFW.

**8.11.** Desert Tortoise Observations. If Project personnel observe a desert tortoise within or near the Project work area, SCE will stop all work as soon as it is safe to do so and contact a Biological Monitor or Authorized Biologist. If the Authorized Biologist or Biological Monitor determines take or injury may occur, all work shall immediately halt and Project activities shall not resume until the Authorized Biologist(s) has verified the desert tortoise has left the Project work area, determined there is an appropriate buffer between the Project activities and the tortoise, determined the desert tortoise can be monitored to prevent take, or determined the individual is relocated as described the Desert Tortoise Relocation Plan. SCE shall immediately notify CDFW of any desert tortoise observations within the Project work area within 24 hours. Notification and the written report shall include the date, location (including GPS coordinates), and circumstances of the observation; the name of the Authorized Biologist(s); and pictures, map (including GPS coordinates), and if applicable, the shapefiles with the location where the individual was moved as specified in the Desert Tortoise Relocation Plan.

**8.12.** Excavating Desert Tortoise Burrows. Only Authorized Biologist(s) approved by CDFW and USFWS are authorized to conduct desert tortoise burrow excavation. Excavation of burrows shall follow the methods described in the USFWS Field Manual. All potential desert tortoise burrows identified during pre-activity surveys and clearance surveys conducted in the Project work area that cannot be avoided shall be fully excavated by hand. Any individuals removed from burrows shall be transmittered and relocated per the Desert Tortoise Relocation Plan. All burrows that can be avoided shall remain visually demarcated and monitored until completion of Project activities in that area.

**8.13.** Desert Tortoise Nests. If an active desert tortoise nest is detected during pre-activity surveys, burrow excavation, or during Project activities, procedures outlined in the USFWS Desert Tortoise Field Manual regarding nests and eggs shall be followed by an Authorized Biologist approved by CDFW and USFWS to perform the task. CDFW shall be notified immediately upon discovery of an active desert tortoise nest, and the site of egg relocation shall be approved by CDFW prior to relocation through implementation of a Desert Tortoise Relocation Plan.

**8.14.** Raven Management. Upon completion of construction, SCE will work with the BLM and USFWS to incorporate the Project into the SCE Programmatic Raven Management Plan by providing additional funding to the annual budget based on current Plan per mile (plus 2 percent annual increase to adjust for inflation) at completion of construction of Project line and components within desert tortoise habitat. No later than 30 days prior to the start of construction, SCE will contribute to USFWS's Regional Raven Management Program by making a one-time payment of $105 per acre ($18,301.50 for 174.3 acres) of long term or permanent Project disturbance within desert tortoise habitat to the National Fish and Wildlife Federation Renewable Energy Action Team raven control account.

**Gilded Flicker**

**8.15.** Seasonal Restriction. To the extent feasible, the permittee will schedule construction activities located within 500 feet of suitable nesting habitat for the gilded flicker to occur outside the peak breeding season of the species (March 1 through July 31).

**8.16.** Preconstruction Gilded Flicker Surveys/Sweeps. If Covered Activities must occur during the peak breeding season for gilded flicker, the Designated Biologist(s) will conduct preconstruction surveys for gilded flicker, no more than three days prior to initiating Project activities within 500 feet of work areas in suitable habitat for gilded flicker. A survey will consist of a pedestrian search by the Designated Biologist(s) for both direct and indirect evidence of gilded flicker nesting. Direct evidence would consist of the visual identification of an actual nest location. Indirect evidence may include observations of adult birds carrying nesting materials, food, or fecal sacks; engaging in breeding behavior such as copulation; displaying agitation; or exhibiting other characteristic behaviors that indicate

the presence of an active nest. Every effort shall be made to avoid exposing nests to potential predation as a result of survey and/or monitoring activities. Following the initial preconstruction survey, a Designated Biologist will sweep the work area(s) plus a 500-foot buffer prior to the start of work each day in suitable gilded flicker habitat. Daily clearance sweeps during peak breeding season will follow the same methodology discussed above to ensure that all active gilded flicker nests are located prior to construction occurring in the vicinity.

**8.17.** Avoidance Buffers. If an active gilded flicker nest (i.e., a nest being built or a nest with eggs or young) is observed, a 500-foot avoidance buffer (vertical, horizontal, and for helicopters) will be established around the nest. The buffer will be conspicuously marked in the field using staking, fencing, or other means. Project activities will not be permitted inside the buffer until a Designated Biologist determines that all chicks have fledged and are no longer reliant on the nest site. All nest visits will be conducted by a Designated Biologist and will last only as long as necessary to confirm the nesting stage or until circumstances necessitate departure (e.g., potential nest predator detected or sustained indications of stress by any protected bird). The Designated Biologist(s) will use binoculars to observe the nests to the extent feasible to limit proximity to the nest, avoiding direct disturbance and attracting predators. The Designated Biologist shall stop work and increase the buffer distance if the birds are observed to be distressed. Observations of injury or mortality to the birds or nest failure shall be reported to CDFW immediately.

**8.18.** Buffer Reductions. Buffer reductions may be implemented in coordination with CDFW. Buffer reductions will require development of a site-specific Buffer Reduction Plan, which shall be submitted to CDFW at least 7 days prior to implementation of the reduced buffer. The baseline conditions at the nest location and the type, intensity, and duration of the proposed work will be taken into account in developing the Buffer Reduction Plan. In addition to monitoring of the nest(s), the Buffer Reduction Plan may stipulate other mitigation measures including limited construction activities, limited daily and/or weekly construction periods, noise monitoring, and erection of visual/acoustic barriers. During work inside buffer reduction areas, the Designated Biologist(s) will use binoculars to monitor the nest(s) from the greatest distance feasible to avoid direct disturbance and attracting predators. The Designated Biologist(s) will stop work and revert the buffer to 500 feet if the gilded flickers are observed to be distressed. The results of buffer reduction and the outcome (e.g., fledged, failed, unknown) of any monitored nests shall be reported to CDFW upon completion of Project activities in the buffer reduction area(s). Observations of injury or mortality to the birds or nest failure shall be reported to CDFW immediately.

**8.19.** Cactus/Yucca Salvage Plan. Construction activities will avoid impacts to suitable gilded flicker habitat, including Joshua trees, to the extent feasible. SCE will prepare and implement a Cactus and Yucca Salvage Plan addressing the potential salvage of cactus and yucca species impacted by construction. The plan will describe the following: (1) process for

identifying the locations of cacti and yucca species; (2) criteria for determining if salvage is feasible; (3) approach for salvage and relocation of cacti and yucca; (4) methods and criteria for pre-transplant and posttransplant health assessments; (5) transplantation site selection criteria; (6) monitoring and maintenance schedule; (7) success criteria; and (8) reporting requirements. The plan will be provided to CDFW for review and approval no more than 30 days prior to impacts to gilded flicker habitat.

9. **Habitat Management Land Acquisition and Restoration:** 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.

   To meet this requirement, the Permittee shall either purchase 348.6 acres of desert tortoise and 63.44 acres of gilded flicker credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below OR shall provide for both the permanent protection and management of 348.6 acres for desert tortoise and 63.44 acres for gilded flicker of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. Compensatory mitigation for desert tortoise and gilded flicker may co-occur on the same acres where dual Covered Species credits are available for purchase or HM lands contain habitat for both species. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 174.3 acres of temporarily impacted desert tortoise and gilded flicker habitat pursuant to Condition of Approval 9.6 below.

   **9.1.** 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 and restoration of temporarily disturbed habitat as follows:

   9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at $5,000.00/acre for 412.04 acres: **$2,060,200.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;

9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 9.3.1 and 9.3.2 below: **$**17,440.00;

9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at **$2,000.00**/acre for 412.04 acres: $824,080.00;

9.1.4. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at **$**600.00/acre for 412.04 acres: $247,224.00;

9.1.5. Long-term management funding as described in [Condition of Approval 9.4] below, estimated at $3,000.00/acre for 412.04 acres: **$1,236,120.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.6. 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 **$3,000.00**.

9.1.7. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at $18,000.00/acre for 174.3 acres: **$3,137,400.00**.

9.1.8. 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 **$209,280.00**.

**9.2.** Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 348.6 acres for desert tortoise and 63.44 acres for gilded flicker of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the

Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

**9.3.** Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:

9.3.1. Fee Title. 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.

9.3.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW 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.

9.3.3. 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;

9.3.4. 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;

9.3.5. 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.

9.3.6. 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;

9.3.7. 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 and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

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.

**9.4.** Endowment Fund. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the 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 9.3.6. 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.

9.4.1. 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).

9.4.2. 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.

9.4.2.1. 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.

9.4.2.2. 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:

9.4.2.2.1. 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.

9.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

9.4.2.2.3. 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.

9.4.3. 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.

9.4.4. 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.

**9.5.** 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.

**9.6.** Habitat Restoration. Permittee shall restore on-site the 174.3 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 174.3 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken in the dry season shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan.

**10. 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 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

**10.1.** Security Amount. The Security shall be in the amount of **$7,734,744.00** or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

**10.2.** Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

**10.3.** 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.

**10.4.** Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

**10.5.** Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

**10.6.** 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.

**10.7.** 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:

Credit Purchase

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and
- Timely submission of all required reports.

Habitat Management Land Acquisition (HMLA)

- 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 18 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 (2081-2019-055-R6) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Heidi Calvert, Regional Manager

California Department of Fish and Wildlife
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
Telephone 909-484-0523
Heidi.Calvert@wildlife.ca.gov

and a copy to:

Habitat Conservation Planning Branch
CESA@wildlife.ca.gov

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

Kyle Maxwell
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Telephone (909) 229-0762
Kyle.Maxwell@wildlife.ca.gov

**XIII. Compliance with the California Environmental Quality Act:**
CDFW's issuance of this ITP is subject to CEQA. CDFW is the lead agency pursuant to CEQA with respect to this ITP. (See generally Pub. Resources Code, §§ 21067.) CDFW's environmental review of the Project is set forth in the Lugo-Victorville Remedial Action Scheme Project Initial Study/Mitigated Negative Declaration, (SCH No. 2023120696) dated December 2023 that CDFW adopted for the Lugo-Victorville 500 KV Transmission Line Remedial Action Scheme Project on March 25, 2024.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's independent judgment and analysis and the determination that based on the whole record before it, including the Initial Study and Mitigated Negative Declaration and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. 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 CDFW as 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, Lugo-Victorville Remedial Action Scheme Project Initial Study/Mitigated Negative Declaration, and Streambed Alteration Agreement No. 1600-2020-0022-R6, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

(1) Take of 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 and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly 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 348.6 acres for desert tortoise and 63.44 acres for gilded flicker of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of 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 | Map of Project |
| ATTACHMENT 1 | Mitigation Monitoring and Reporting Program |
| ATTACHMENT 2a | Biologist Resume Form for Desert Tortoise |
| ATTACHMENT 2b | Biologist Resume Form for Gilded Flicker, DFW820 |
| ATTACHMENT 3 | Letter of Credit Form |
| ATTACHMENT 4 | Mitigation Payment Transmittal Form |

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 06/06/2024**

DocuSigned by:
Heidi Calvert
CAEE4779B63E4A3...

Heidi Calvert, Regional Manager
Inland Deserts Region