California Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

California Endangered Species Act
Incidental Take Permit No. 2081-2021-005-03

SAND HILL WIND REPOWERING 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).

Permittee:	**Viracocha Winds, LLC**
Principal Officer:	**Antonio Arturo Sieira Mucientes, President**
Contact Person:	**Todd Hopper, Environmental Project Manager, (202) 569-9641**
Mailing Address:	**Viracocha Winds, LLC** **c/o Salka Energy LLC** **655 G Street, Suite A** **San Diego, CA 92101** **thopper@salkaenergy.com**

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 **December 31, 2055**.

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 7.10 of this ITP.

[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.

III. Project Location:

The Sand Hill Wind Repowering Project is located in the Altamont Pass Wind Resource Area (APWRA) between the cities of Livermore (located 9.6 miles southwest) and Tracy (located 9.9 miles east) in unincorporated eastern Alameda County, California (Figure 1). The Project is located north of Interstate 580 (I-580) and south of Christensen Road with site access available from Altamont Pass Road (primary entrance) or Mountain House Road. The approximate center of the Project is located at latitude 37.754861° and longitude -121.608912° (World Geodetic System Datum 1984), near the approximate address of 14698 Altamont Pass Road.

IV. Project Description:

The Project is 1,898 acres in size and includes installation of 13 new wind turbine generators (WTG) and possible removal of old turbine foundations where they conflict with the location of repowered Project components (Figure 2). The 671 old generation wind turbines were fully decommissioned by mid-2018. CDFW did not receive a request for take coverage for the activities associated with the wind turbine removal.

The Project will utilize fourth generation turbines with generating capacities between 2.3 and 4.0 megawatts (MW), with a ranging rotor diameter of 489 to 492 feet (149 to 150 meters), a tower height of 344 to 354 feet (105 to 108 meters), and a maximum total turbine height of 591 to 599 feet (180 to 182.5 meters). The Project will develop approximately 50 MW in generating capacity. The final layout will be selected on the basis of site constraints, data obtained from meteorological monitoring of the wind resources, turbine availability, and micrositing. The Project also includes the installation of power collection lines and replacement of the existing AML substation. The repowering Project will entail the following construction activities, listed generally in the sequence shown:

- Demarcation of construction areas and any sensitive biological, cultural, or other resources needing protection
- Construction of temporary staging areas
- Road infrastructure upgrades
- Erosion and sediment control
- Wind turbine construction
- Final site preparation
- Crane pad construction
- Foundation excavation and construction

- Tower assembly
- Installation of nacelle and rotor
- Power collection system and communication line installation
- Gen-tie installation
- Upgrades to the substation
- Permanent meteorological tower installation
- Construction of the Operation and Maintenance (O&M) building (will not depend on the sequence of construction for the rest of the Project)
- Final cleanup and restoration

Wind Turbine Installation

Foundations

The type of turbine foundation used depends on terrain, wind speeds, and wind turbine type. Two foundation types may be used in repowering wind projects: an inverted “T” slab foundation or a concrete cylinder foundation. An inverted T slab foundation is a type of spread footing foundation. A single concrete pad is placed at ground level, although part of the pad may be placed below ground level depending on the slope. At the center of the pad is a cylindrical concrete pedestal to which the wind turbine tower is bolted—hence the name, “inverted T”. A concrete cylinder foundation is a large concrete cylinder with a concrete pedestal that is slightly larger than the tower base diameter. The size of the concrete cylinder and pad is determined by wind turbine size and site-specific conditions (e.g., expected maximum wind speeds and soil characteristics). Its weight must be sufficient to hold the wind turbine in place.

The foundation will be installed immediately within the turbine work area adjacent to the crane pad. While the foundation type used for the Project will be determined by terrain, wind speeds, and turbine type, either type will be formed by pouring concrete in an excavated footing with reinforced steel. A small, graveled area will encircle each foundation to facilitate maintenance access. The total diameter of the final Project footprint for each turbine, including the graveled area, will be approximately 60 feet.

Turbine Placement

Turbine construction entails the placement of a foundation, new tower, rotor, nacelle, and transformer. At each turbine site, a level turbine work area will be graded to support the construction of tower foundations and to support the use of large cranes to lift the turbine components into place. The extent and shape of grading at each turbine site will depend on

local topography; however, each site will require approximately 2.9 acres of graded area to support the construction of foundations and installation of turbines. A crane pad will be leveled and graded within the turbine work area at each turbine site. The crane pad—a flat, level, and compacted area—will provide the base from which the crane will work to place the turbine. Most wind turbine construction activities will take place within the turbine work area. Following construction, the turbine work area will be reclaimed. Tower assembly requires the use of one large track-mounted crane and two small cranes. The turbine towers, nacelles, and rotor blades will be delivered to each foundation site and unloaded by crane. A large track-mounted crane will be used to hoist the base tower section vertically then lower it over the threaded foundation bolts. The large crane will then raise each additional tower section to be bolted through the attached flanges to the tower section below. The crane then will raise the nacelle, rotor hub, and blades to be installed atop the tower. Two smaller wheeled cranes will be used to offload turbine components from trucks and to assist in the precise alignment of the tower sections.

Excess rock generated by foundation construction will be spread on existing roads and maintenance areas surrounding the turbines. Old foundations from the previous wind project on-site may be removed if they are within proposed construction areas and if removal is necessary for the installation of new turbines. The material from old turbine foundations may be reused for road base or hauled off-site to the Altamont Landfill.

Site Preparation and Access Roads

Fourth-generation turbine towers and blades are significantly longer than older turbine components and require larger and longer trucks and cranes for transport and installation. These vehicles require wider roads with shallower turns and gradients than are currently present in the Project area. Consequently, the existing road infrastructure must be upgraded to accommodate construction of the turbines. Existing roads, maintained to facilitate ongoing Operations and Maintenance (O&M) and decommissioning activities, are up to 16 feet wide for secondary and 23 feet wide for primary roads. In general, the existing roadway horizontal and vertical geometry cannot accommodate the equipment transport vehicles required for Project construction deliveries. New roads may be needed in areas where existing roads do not provide access to proposed turbine locations; these new roads are expected to be approximately 20 feet wide). Access road entrances from main roads onto the Project area will also be widened to provide sufficient space for the minimum turning radius of construction cranes and other flatbed delivery trucks.

Some road sections in the area where new turbines will be installed will need to be temporarily widened to approximately 50 feet to accommodate larger towers as well as the larger equipment necessary to install them. It is likely that the locations where roads curve as they climb hills to the ridgetops will require more roadwork and will be widened to more than 50 feet in some spots to safely accommodate the larger equipment. In addition, access road entrances from main roads onto the Project footprint will need to be widened to provide sufficient space for the minimum turning radius of construction cranes and other flatbed delivery trucks. Lands subject to temporary road widening beyond a 20-foot permanent width

will be reclaimed after construction of the Project is completed, or sooner if the extra width is no longer required.

Culverts are generally installed as part of the road drainage system on slopes. Existing culverts may need to be replaced with larger culverts or reinforced to provide adequate size and strength for construction vehicles.

Cut materials will be used as fill on-site during the construction process, and no material will be disposed of off-site. General cut-and-fill slopes will be at a ratio of 2:1. The final location of the road and the cut-and-fill volumes will be based on grading, construction, and environmental permitting requirements, topography, and sound engineering principles.

Following road construction, all roads will be inspected to determine if and where any additional grading or additional gravel will be necessary to meet Alameda County standards. Additionally, final road shaping will be completed to ensure proper surface drainage away from cut-and-fill slopes and into ditches and culverts. Erosion-control devices will also be installed or completed, disturbed areas adjoining the roads will be restored, and the appropriate erosion-control devices will be installed.

When construction is complete, roads will be left in place or restored in conformance with Alameda County standards, depending on whether they will be needed to provide access for O&M. O&M access roads will be inspected and graded where low spots and ruts have occurred. Culverts will be left in place and the road edges will be restored.

Staging Areas

Two staging areas, totaling approximately 16 acres, will be established in the Project area. These areas will be used for the storage of turbine components, construction equipment, water tanks, office trailers, and other supplies needed for Project construction. The trailers will be used to support workforce needs and site security and will also house a first aid station, emergency shelter, and hand tool storage area for the construction workforce. Parking areas will be located near the trailers. Vegetation will be cleared and the staging areas will be graded level. These areas will use native material, supplemented with gravel or soil stabilizer, if needed, and appropriate erosion control devices (e.g., earth berm, silt fences, straw bales, etc.) will be installed to manage water runoff. Diversion ditches will be installed, as necessary, to prevent stormwater from running onto the site from surrounding areas. Staging areas may be maintained permanently by the landowners, and therefore are expected to be permanent impacts. If landowner preference is to restore a staging area, the gravel surface will be removed, and the areas will be contour graded (if necessary and if environmentally beneficial) to conform with the natural topography. Stockpiled topsoil will be replaced, and the area will be stabilized and reseeded with an appropriate seed mixture.

Meteorological Towers

One permanent meteorological tower will be installed in a strategic location on-site to monitor wind speeds and to calibrate turbines. The permanent meteorological tower will be a

freestanding tower without guy wires, approximately 354 feet (108 meters) tall. The tower will require a small concrete foundation and graveled area around the tower, as well as an access road to facilitate maintenance activities. The small foundation and graveled area will be approximately 30 feet in diameter.

Power Collection System

Each new wind turbine must be connected to the medium-voltage electrical collection system via a pad-mounted transformer. The collection system carries electricity generated by the turbines to a substation, where the voltage level of the collection system is stepped up to that of the power grid. From the substation, electricity is carried through an interconnection point to the transmission lines that distribute electricity to the power grid. Transmission lines in the Project vicinity are maintained by the Pacific Gas and Electric Company (PG&E). Each of the collection system components is discussed below.

Collection Lines

Medium-voltage collection lines will collect power from each turbine for conveyance to the substation. Medium-voltage lines are normally up to 35 kilovolts (kV). The new medium-voltage collection lines will be installed underground as close to Project roads as possible to minimize ground disturbance as well as to facilitate access for any necessary O&M activities on the lines.

Installation of underground medium-voltage lines is accomplished in most cases using a cut-and-cover construction method. A disturbance width of 15 feet is generally standard to allow for the trench excavation and equipment, but this width may vary depending on the topography and soil type. Typically, the topsoil is separated from the subsurface soil for later replacement. A 3-foot-wide trench is then plowed using a special bulldozer attachment that buries the line in the same pass in which it digs the trench. Once the collection lines are in place, the trench is partially backfilled with subsurface soil. Typically, communication lines are then placed in the trench. The trench is then backfilled with the remaining subsurface soil, compacted, and covered with the reserved topsoil.

To minimize surface disturbance within wetlands and streams, collection lines may be installed under wetlands and other waters using Horizontal Directional Drilling (HDD) techniques, where feasible. HDD involves the use of a steered drilling head, which allows the bore machine to sit at ground level, bore down along the collection line route, and direct the bore back up to the surface at a distant point. The bore machine uses a drilling fluid in the process, typically a mixture of fine clay (such as bentonite) and fresh water. The clay and water mixture coats the wall of the borehole to help hold it open and to provide lubrication for the drill stem and conduit being installed. Excess drilling fluid is typically captured using a vacuum truck.

Collection lines will terminate near the edge of the property where power will be conveyed off-site to the substations, described below, through gen-tie lines. The gen-tie lines will be installed underground or overhead, making use of existing overhead power poles where

possible. If gen-tie lines are carried on existing poles, these lines will need to be strung with new conducting wire (i.e., reconductored), requiring work areas (i.e., pull sites) to string the upgraded power line. Additionally, some power poles may need to be replaced. If new overhead collection or gen-tie line facilities are required, they will be constructed in compliance with the latest recommendations of the Avian Power Line Interaction Committee (APLIC).

Transformers and Power Poles

Transformers boost the voltage of the electricity produced by the turbines to the voltage of the collection system. Each turbine will have its own transformer, either mounted on a small pad adjacent to the turbine or within the tower.

The installation of overhead power lines and poles will be limited to locations where underground lines are infeasible and locations immediately outside the substations where underground medium-voltage lines come aboveground to connect to the substations.

To install power poles, a laydown area is required. To mount the medium-voltage lines on a power pole, a pull site and a tension site are required. Pole sites, pull sites, tension sites, access roads, and laydown areas are cleared (for example, mowed) if necessary. Pole holes and any necessary anchor holes are excavated. Where possible, a machine auger is used to install poles. The width and depth of the setting hole depends on the size of the pole, soil type, span, and wind loading.

Power poles are framed, devices are installed, and any anchors and guy wires are installed before the pole is set. Anchors and guy wires installed during construction are left in place. After setting the pole, conductors are strung.

Existing infrastructure such as relic power poles and power lines will only be removed where necessary for Project construction and grading. When within grading boundaries, existing power poles will be cut at the ground surface with chainsaws and extracted with an excavator and stockpiled or hauled off-site. Scrap overhead cables and hardware will be collected and hauled off-site for disposal. Buried power and fiber optic cables encountered during grading will be cut and left in place. Existing turbine foundations encountered during grading will be buried within cut-and-fill areas as necessary, and existing buildings within grading areas will be demolished prior to Project construction.

Substations

The main functions of a collector substation are to step up the voltage from the turbine collection lines to the transmission level and to provide fault protection. The basic elements of the substation facilities are a control house, a bank of one or two main transformers, outdoor breakers, capacitor banks, relaying equipment, high-voltage bus work, steel support structures, an underground grounding grid, and overhead lightning-suppression conductors. The main outdoor electrical equipment and control house are installed on a concrete foundation. The Project will connect to an existing substation as described below.

The AML substation served as the collector substation for a portion of the previous wind project. The AML substation currently consists of a graveled footprint area of approximately 0.6 acre, a 12-foot chain-link perimeter fence, and an outdoor lighting system. The AML substation will be replaced for the repowering Project. Replacement will include tear-down of the existing fencing and building, including removal of the foundations, and construction of a new substation and 12-foot perimeter fence within the same 0.6-acre footprint. Construction of the substation will entail a total disturbance of approximately one acre, of which will be temporary and restored after construction is complete. Any new lights will be shielded or directed downward to reduce glare. The upgraded substation will be fenced in keeping with the fencing around the existing substation (that is, 12-foot chain-link perimeter fencing).

Operations and Maintenance Facility

An O&M building will be constructed on-site and serve for operation, storage, and repairs of the facility. Upon completion of construction, the O&M facility will obtain power by tapping into the existing PG&E power lines. The line tap will be undergrounded along proposed access roads. Portable restrooms will be used during the construction phase, and the O&M building restroom facilities will be used during operation. An on-site wastewater treatment system will be required for the permanent restroom facilities and will be subject to permitting by the Alameda County Department of Environmental Health. If an on-site wastewater treatment system is determined to be infeasible, portable toilets, serviced by a contractor, will be used instead. The O&M building, parking, and equipment storage could occupy approximately 3 acres.

Operation and Maintenance Activities

O&M activities will consist of WTG maintenance and repair, collection system maintenance and repair, substation maintenance and repair, and repair and maintenance of access roads as necessary. Maintenance-related ground disturbance is expected to take place within the footprint of the initial construction-related disturbance areas. Road graveling and road repair activities will occur within the footprint of the 20-foot-wide corridor of existing and new roads. Turbines may need to be repaired or (components) replaced at a rate of approximately two every 5 years. No new permanent impacts are anticipated during maintenance activities, but one acre of temporary impact is assumed every 5 years, and temporarily affected areas will be restored within 1 year of disturbance.

Monitoring of windfarm operations will be computer-based; computers in the base of each turbine tower will be connected to the O&M facility through fiber-optic or wireless telecommunication links. The O&M workforce will consist of turbine technicians, operations personnel, administrative personnel, and management staff. O&M staff will monitor turbine and system operation, perform routine maintenance, shut down and restart turbines when necessary, and provide security. All O&M staff will be trained regularly to observe Best Management Practices. Project operation also will include the operation of the wind turbines.

Staging and Laydown Areas

The Project includes two temporary construction staging areas (for storage of Project components and equipment) and up to 13 additional WTG laydown areas (one at each WTG location) for offloading and storage of the tower components.

Construction Staging Areas

Two temporary staging areas will be used during construction for the storage of WTG components, construction equipment, office trailers, and other supplies, including hazardous materials. The batch plant, rock crusher, and associated fuel and water tanks will be co-located within the disturbed area footprint of one of the staging areas. On-site mobile trailers will be located within the staging areas to support workforce needs and site security. The mobile trailers will also house a first aid station, emergency shelter, and hand tool storage area for the construction workforce.

Vegetation will be cleared and each construction staging area will be graded so that it will be level. The staging area will then be covered with a 6-inch gravel surface and a 1-foot-high earthen berm or other appropriate erosion-control device, such as silt fences and straw bales, will be installed to contain water runoff. Diversion ditches will be installed, as necessary, to prevent stormwater from running onto the site from surrounding areas. Following completion of construction activities, the contractor may retain one or more of the temporary construction staging areas for use by wind energy center operations personnel. Any temporary staging areas not retained for operation use will be restored by removing the gravel surface, followed by as-needed recontouring, replacement of stockpiled topsoil, and reseeding with an approved seed mix.

Wind Turbine Generator Laydown Areas

A laydown area will be constructed at each of the 13 new WTG pads to accommodate offloading and storage of the tower sections, nacelle, rotor hub, and blades, as well as some construction equipment. Each WTG laydown area will occupy an approximately 0.5-acre area. The WTG laydown areas will include a compacted, earthen crane pad within the 0.5-acre area. The crane pad will be approximately 65 feet wide (constructed adjacent to the turbine access road) to allow a large, track-mounted crane to gain access to the turbine foundations. The laydown areas must be level or near-level, and vegetation clearing or grading will be required to achieve these conditions. The crane pad must be nearly flat to allow the crane to lift the large and extremely heavy turbine components safely. The crane pad will be constructed using standard cut-and-fill road construction procedures. The actual dimensions of the individual WTG laydown areas will be based on site topography and the need to minimize cut-and-fill. Construction access to this area will be limited to wheeled vehicles.

Construction Disturbance Area

Table 1 presents the estimated area of construction disturbance in upland locations (excluding aquatic sites) calculated based on the following conditions.

- All cut-and-fill slopes and work areas around meteorological and WTGs will be temporary facilities.
- All tower foundations and access roads will be permanent facilities.
- All laydown areas are considered permanent facilities.
- All 20-foot dirt shoulders (10 feet on each side) along main roads are considered permanent facilities.
- All 20-foot dirt shoulders (10 feet on each side) along secondary roads will be considered temporary facilities.

Final impacts and mitigation will be based on the impact criteria defined in Condition of Approval 6.16 of this ITP. Any increases to impacts of the Projects will require an Amendment to this ITP.

Facilities	Unit of Measurement	Number of Units	Total Approximate Acres
Permanent Facilities			
WTG pads and foundations	40-foot-diameter gravel aprons occupied by new WTGs and transformers	13	0.5
Primary roads, new	23-square-foot disturbed area per linear foot of road	-	10
Secondary roads, new	16-square-foot disturbed area per linear foot of road	-	3
Laydown area	Total area used for equipment storage and staging within project footprint	2	16
Meteorological towers	50-foot by 50-foot square disturbed area	1	0.06
Substations	Rebuilding pre-existing AML substation	1	1

Facilities	Unit of Measurement	Number of Units	Total Approximate Acres
O&M facility	Total area use for building, parking, and equipment storage	1	3
		Total Permanent Facilities	**33.6**
Temporary Facilities			
Cut-and-fill[a]	acres	-	75.54
Underground collection lines (cross-country routes)	acres	-	4.42
Operations and maintenance	acres		6
		Total Temporary Facilities	**85.96**

Restoration of Temporary Construction Areas

Upon completion of construction activities, debris and materials associated with the Project will be removed and areas not needed for the long-term operation of the repowered facility will be restored. Construction BMPs will be implemented during and postconstruction for soil stabilization and to facilitate timely vegetative restoration. Stockpiled topsoil will be maintained per California Stormwater Quality Association BMP Fact Sheet WM-3, Stockpile Management. Any stockpiled soil not scheduled to be used within 14 days will be stabilized. Stockpiled soil will also be protected by a linear sediment barrier, such as a silt fence, straw wattle, or both as required. The following Project components will use the stockpiled topsoil during restoration:

- Cut-and-fill slopes: The stockpiled topsoil will be applied to graded slopes and then hydroseeded to allow for plant growth.
- Collection lines: Collection lines will be created by trenching paths from turbines to substations. Once a conduit has been placed in the trench, the trench will be backfilled with stockpiled topsoil and then hydroseeded to allow for plant growth.
- Turbine pads: Temporary pads at each new turbine will be graded to be approximately 250 feet by 270 feet flat area, with a 16-foot-wide gravel road leading to the turbine and a gravel apron around the turbine base not being reclaimed. The remaining pad area will be restored with stockpiled topsoil, and then hydroseeded to allow for plant growth.

- Aquatic areas: Temporarily disturbed aquatic areas will be recontoured to match pre-Project conditions (if necessary and if environmentally beneficial). The upper 6 inches of wetland topsoil containing the native seed bank and soil microbes necessary to help reestablish vegetation post-construction will be retained and used as a final cover over the temporary aquatic impact areas.

Once these areas are adequately covered with topsoil, the remaining graded areas will be covered and hydroseeded, including laydown areas and the shoulders of the remaining main access roads. Based on the current Project design, the Permittee anticipates a surplus of salvaged topsoil for reapplication over temporarily disturbed areas to enhance restoration success.

Restoration areas will be designated as sites for all on-site personnel to avoid and allow for timely seed germination and soil stabilization. Avoidance areas may be marked using temporary signage or fencing. Restoration measures will be monitored to evaluate the recovery status of restored areas, to identify the need for additional restoration, and to make a final determination regarding restoration success.

Before Project construction, the Permittee will submit to CDFW a restoration monitoring plan that will address seed mix, restoration methods, monitoring strategy, invasive species control, and the approach to evaluating restoration success.

Disturbance areas associated with features classified as permanent (for example, laydown areas not requested by the landowners to remain and reclaimed road shoulders) will be subjected to postconstruction restoration monitoring.

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

This ITP covers the following species:

Name	CESA Status
1. California tiger salamander (*Ambystoma californiense*)	Threatened[3]
2. San Joaquin kit fox (*Vulpes macrotis mutica*)	Threatened[4]
3. Tricolored blackbird (*Agelaius tricolor*)	Threatened[5]
4. Swainson's hawk (*Buteo swainsoni)*	Threatened[6]

These species and only these species are the "Covered Species" for the purposes of this ITP. This ITP may be amended at Permittee's request to include the California fully protected species, golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*) pursuant to

[3] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).
[4] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).
[5] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(H).
[6] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(A).

Fish and Game code section 2081.15. CDFW recommends the Permittee submit a request for a major amendment at least 3 months prior to the Commercial Operation Date to avoid, minimize, and fully mitigate the take of the fully protected species.

VI. Impacts of the Taking on Covered Species:

Project activities related to construction and long-term operation and maintenance and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above in the Project Description, related to Project construction and ground-disturbing O&M, expected to result in incidental take of individuals of the Covered Species include: transport of supplies and workers to and from the Project, storage of construction materials and equipment on site, grading, trenching, augering, blasting, horizontal directional drilling and other earthmoving activities associated with construction, reclamation, re-contouring and restoration activities, vegetation management, pond monitoring, and/or relocation activities prescribed by this ITP. The activities described above in the Project Description related to O&M include: road graveling and repair, trenching, vehicle and pedestrian traffic, and avian impacts from wind turbine operation. Project construction, ground disturbing O&M activities, and turbine operations are all 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 destruction of burrows and dens that the Covered Species inhabit, by being crushed under moving vehicles and equipment, disturbance in the vicinity of dens or burrows, turbine collision strikes, and/or collector line electrocution. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of capture of the Covered Species from relocation of the Covered Species to minimize the potential of mortality. Relocation could, absent implementation of protective measures, result in mortality, injury, and/or disease transmission to Covered Species by individuals involved in the relocation effort. The area where authorized take of the Covered Species is expected to occur includes: the 1,898-acre area encompassing the 13 wind turbines, other Project facilities and along access routes (collectively, the Project Area).

Project construction is expected to cause the permanent loss of 33.6 acres of upland grassland habitat and 0.02 acres of aquatic habitat (pond and ephemeral drainage) for the Covered Species, and temporary loss of 79.96 acres of upland habitat and temporary direct impacts to 0.012 acre of aquatic habitat for the Covered Species. Temporary direct impacts are anticipated during construction, associated with work areas for grading, temporary road widening, or trenching for collection line installation.

Operations and maintenance activities are estimated to create an additional 6 acres of temporary impacts for a total of 85.96 acres of temporary impacts to grassland habitat for the 30-year ITP term.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, loss of air space, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: Indirect effects resulting from construction-related ground-disturbing activities that

degrade nearby aquatic breeding habitat; exposed soil surfaces left unvegetated have the potential to lead to sedimentation of adjacent aquatic habitat that may provide suitable breeding, foraging, and dispersal habitat for Covered Species. Construction activities also have the potential to result in degradation of water quality from runoff of petroleum-based products associated with equipment and vehicles used during construction. Exposure pathways could include inhalation, dermal contact, or direct ingestion. Exposure to contaminants can cause chronic or acute effects that could impair health and productivity and could lead to mortality. Carcinogenic substances could cause genetic damage resulting in sterility, reduced productivity, or reduced fitness of progeny. In addition, indirect impacts include stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation. Take of avian Covered Species (nestlings) outside the Project Area is also expected to occur if breeding adults are injured or killed from turbine operations resulting in nest abandonment.

California tiger salamander

Both direct and indirect impacts on a potential breeding pond (PND-6) are possible. Approximately 0.02 acre of permanent and 0.012 acre of direct temporary impacts on aquatic habitat for California tiger salamander are anticipated. Indirect effects could result from construction-related ground-disturbing activities that degrade nearby aquatic breeding habitat and other effects described below.

Impacts to water quality could degrade embryos, larvae, and adult survival. Project infrastructure (e.g., roads and turbine footings), if not maintained, could result in erosion and gullying that could deliver large sediment loads to aquatic habitat downslope of these areas.

Injury or mortality of California tiger salamander could result from Project-related equipment or vehicles, construction debris, and worker foot traffic in construction areas. Individuals could fall into trenches, pits, or other excavations and be directly killed or, unable to escape, be killed by desiccation, entombment, or starvation. Disturbance and displacement associated with Covered Activities may increase the potential for predation, desiccation, competition for food and shelter, or strike by vehicles on access roads.

O&M activities could affect California tiger salamanders if they occupy temporarily impacted areas following restoration. Maintenance vehicles could run over California tiger salamanders during periods when the salamanders are active on the surface—generally during fall/winter and spring nights when there are rain events or the humidity is relatively high. O&M requires year-round vehicle access to turbines and Project infrastructure to make repairs and complete required service visits. Additionally, more extensive turbine repairs, such as replacement of one or more blades or replacement of equipment within the turbine nacelles, could require a crane and large trucks. These activities could result in temporary disturbance to habitat and possible mortality or injury of California tiger salamander adults and subadults if they are present.

San Joaquin kit fox

Construction activities will take place in nonnative annual grassland that could support dispersing or denning kit foxes. Individuals could be injured or killed if they are encountered in active work areas. Kit foxes could be killed by vehicle collision, could become entrapped in pits or trenches if such features are left open overnight, and could be injured during the movement of equipment or materials that they may use as cover.

O&M activities could affect San Joaquin kit foxes if they occupy temporarily affected areas following restoration. Maintenance vehicles could strike foxes if any are present. O&M requires year-round vehicle access to turbines and other Project infrastructure to make repairs and complete required service visits. Additionally, more extensive turbine repairs, such as replacement of one or more blades or replacement of equipment in the turbine nacelles, could require a crane and large trucks. These activities are not common but could be required, on average, once per turbine during the 30-year ITP term. These activities could result in temporary disturbance of habitat and possible mortality or injury of San Joaquin kit foxes if they are present.

Swainson's hawk and Tricolored blackbird

Construction and maintenance activities will be conducted within foraging range of documented tricolored blackbird and Swainson's hawk nest sites, and will result in impacts to upland foraging habitat. Impacts from these activities could include adverse impacts to the Covered Species related to the loss of a breeding pair's nest attempt or nest failure, injury or death from construction equipment, or the Project's incremental contribution to cumulative impacts. These impacts include: reduction in the local population through repeat losses of individuals and displacement from traditional nesting trees or colonies, stress resulting from noise and vibrations from Covered Activities, displacement from preferred habitat, increased vulnerability to predation, and increased competition for food and space.

Incidental take of individual Swainson's hawk and tricolored blackbird may occur from the operation of up to 13 turbines in the form of mortality ("kill") from collisions with rotor blades or towers during flight while conducting foraging, territorial displays, breeding displays, and other aerial activities. Take may also occur in the form of pursue, catch, capture, or attempt to do so from the handling of dead or injured Covered Species while conducting monitoring activities authorized by this ITP. Take could occur in the rotor-swept-area of the wind turbine, on the ground within the vicinity of each turbine, and to chicks at nest locations located outside the Project Area if one or both adults are killed by turbine collisions within the Project Area.

Avian Take Limits

Take of the tricolored blackbird is expected to occur at a rate of 0.55 individual tricolored blackbirds annually during operations for a total take limit of 16.5 (rounded to 17) individuals over the 30-year ITP term. Take of Swainson's hawk is limited to one nest (including eggs) and 1.5 (rounded to 2) individual Swainson's hawks during operations over the 30-year Project term.

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 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 Altamont Pass Wind Resource Area (APWRA) Repowering Program Environmental Impact Report (PEIR; SCH#2010082063) certified by the East County Board of Zoning Adjustments (EBZA) on November 12, 2014 and the Sand Hill Wind Project Subsequent Environmental Impact Report certified by EBZA on February 13, 2020 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. **LSA Agreement Compliance**: Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2019-0112-R3 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 Formal Consultation on the Sand Hill Repowering Project (Corps File Number SPK-2013-00527) near Mountain House Creek, Altamont Pass Wind Resource Area, Alameda County, California (official Biological Opinion No. 08ESMF00-2020-F-0870) 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), Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, 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, 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, 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. Additional Impacts to Habitat. No take beyond the permanent loss of 33.6 acres of habitat for the Covered Species and temporary loss of 85.96 acres of habitat for the Covered Species and 0.032 acre of California tiger salamander aquatic breeding habitat is authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts. Permittee shall submit a request for such amendment with supporting information. Permittee may conduct Project construction work not involving ground disturbance such as installing WTGs on constructed concrete pads during the November 1 to April 14 wet season (Condition of Approval 8.17.7). However, if such work during the wet season results in areas previously considered temporarily-disturbed (for example, interior road shoulders) to be restored past October 31 of the year of the impact, then these areas shall be considered semi-permanent or permanent depending on the timing of restoration and achievement of performance standards (Condition of Approval 6.17).

6.12. 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.

6.13. 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 6.12 of this ITP.

6.14. 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.

6.15. 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.

Temporary Impacts and Restoration

6.16. Temporary Impact Criteria. The Permittee must meet the following criteria to be considered a temporary impact: (1) recontouring and seeding of each temporary impact area shall occur by October 31 of the year of the impact, and no additional ground disturbing activities shall occur; (2) if the impact area is within 1,000 feet of an aquatic feature, all work shall be completed within this area and exclusion fencing shall be removed by October 31 of the same calendar year, allowing the Covered Species unrestricted access between upland and aquatic habitat; and (3) temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (see ITP Condition of Approval 6.17).

6.17. Vegetation Restoration. Permittee shall prepare a Vegetation Restoration Plan (Restoration Plan) to restore Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Permittee shall submit the Restoration Plan to CDFW for approval within at least 30 days prior to the start of restoration activities. The Restoration Plan shall include results of soil analysis which will include ground-truthing soil conditions (e.g., type, texture, chemical composition and pH) by taking a soil sample and submitting the sample to an analytical lab. The Restoration Plan shall identify plant species damaged or removed during Project activities. The Restoration Plan shall include the following restoration standards:

6.17.1. Reference Sites. Prior to initiating ground disturbance, Permittee shall establish a representative number of transects within disturbed areas ("treatment") which will each be associated with a reference ("control") site (i.e., site within intact natural habitat that will be used as a model for restoration activities). Each treatment-control transect set shall be appropriately-placed and numbered for identification purposes. The slope, aspect, and hydrological conditions shall be similar for both the site to be restored and the reference site. To document existing plant communities, Permittee shall photograph the treatment and control sites during the spring (March to June) when most flowering plants are in bloom. Permittee shall also evaluate species composition at the reference site. Permittee shall use information collected at the reference site to guide restoration activities.

6.17.2. Performance Standards. To be considered a successful restoration site, Permittee shall meet the following performance standards:

6.17.2.1. Gravel shall be removed from restored areas;

6.17.2.2. Permittee may import and place up to three (3) feet of soil and/or a thin layer (less than 1/4-inch) of clean green waste compost, ¼-inch

to ½- inch screen size, in compacted areas, such as former roads and turbine pads, to increase the potential for vegetation establishment. Fill shall not be placed for purely aesthetic purposes, as fill has the potential to result in unnecessary and avoidable take of Covered Species. The upper one (1) foot of fill shall consist of topsoil;

6.17.2.3. To the maximum extent feasible, topsoil shall be salvaged from within on-site work areas prior to construction. Imported fill soils shall be limited to weed-free topsoil similar in texture, chemical composition and pH to soils found at the reference site. At least two soil samples from each off-site fill source shall be submitted to a soil sampling lab for analysis. If Permittee chooses to import fill from an off-site location, CDFW and the property owner(s) shall be notified of the source of the fill at least 30 days in advance and shall be given the opportunity to inspect the fill and its source. If the fill source is deemed to be inappropriate (e.g., the type of soil is inappropriate or the soil would be sourced from a site with a major weed infestation), CDFW may require an alternative source of fill;

6.17.2.4. Minor re-contouring may be conducted; however, Permittee shall limit grading, compaction, fill, and all other earthmoving activities to the Project Area. Soils shall be protected from wind erosion using a biodegradable erosion control blanket or appropriate mulch cover (i.e., hydroseed or mulch) until vegetation is established. Seed shall be applied in the early fall, between October 15 and October 31. If feasible, seed shall be applied immediately prior to the first rain event;

6.17.2.5. Permittee shall pre-designate each restoration area for establishment of a specific native vegetation community, based on slope, aspect, hydrological conditions, and if applicable, adjacent native vegetation. The seed mix for each restoration site shall be tailored to achieve the species composition of the pre-designated vegetation community. The distribution of vegetation communities within the restoration area shall be roughly proportionate to any native vegetation communities impacted. Following restoration, the species composition of each restoration site shall closely match that of the associated reference site;

6.17.2.6. Seed mixes shall include only locally native species at a ratio appropriate to the site, with an emphasis on native bunchgrasses and other grassland species. Local native wildflower may also be included in the mix. Seed may be collected from within the Project Area. Additional seed shall be sourced from within 50 miles of the Project Area (i.e., original genetic material shall have been collected within this radius); however, the seed may be purchased from a seed farm outside of this area. For seeding and mulching exposed slopes, the

seed blend may include one or two sterile non-native perennial grass species.

6.17.2.7. Permittee shall complete seeding as soon as possible, but no later than October 31 of the year of the impact. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

6.17.2.8. No more than 15 percent of the vegetation in each restoration site shall consist of species designated as high or moderate invasive plants in the California Invasive Plant Council's (Cal-IPC) *California Invasive Plant Inventory Database* (https://www.cal-ipc.org/plants/inventory/). If the presence of invasive species exceeds this threshold, Permittee is responsible for conducting appropriate control activities in coordination with the property owner.

6.17.3. Monitoring and Maintenance. Permittee is responsible for monitoring and maintaining the restored areas for a period of five (5) years or until the Restoration Plan success criteria have been met, whichever is longer. For the first six months following completion of restoration activities, Permittee shall submit a brief monitoring report (10 pages or less, not including figures) detailing vegetation establishment, percent invasive plant cover, and other relevant observation regarding success of the restoration project to CDFW. If restoration has been successful as outlined in Condition of Approval 6.17.2, Permittee may submit the report at the end of Year 1 and annually thereafter.

6.17.4. If the survival and/or cover requirements are not meeting the performance standards outlined in Condition of Approval 6.17.2, Permittee is responsible for replacement planting, additional watering, weeding, invasive plant eradication, or any other practice, to achieve these requirements. Permittee shall continue to submit monthly restoration reports (see Condition of Approval 6.17.3) to CDFW until the standards have been met. Replacement plantings shall be monitored with the same survival and growth requirements for five (5) years after planting.

6.18. Tracking Impacts. Permittee shall track permanent and temporary impacts and notify CDFW if take authorization is likely to be exceeded in the coming month. Permittee shall submit an appropriately revised Project construction schedule (see Condition 6.22) within seven (7) days in order to ensure temporary impacts remain within the temporary impact criteria according to Condition of Approval 6.16. If temporary impact criteria cannot be met, then the Permittee shall apply for an amendment to this ITP to address additional impacts.

6.18.1. If Permittee determines that the take authorization for temporary impacts has been exceeded, Permittee shall cease all new construction activities until appropriate take authorization has been provided if so directed in writing by CDFW.

Invasive Species

6.19. Invasive Plant Species Control- Baseline. Permittee shall ensure that pre-Project baseline conditions are established for documenting type, location and general abundance of invasive plant species within the Project Area. These baseline conditions will be used for post-construction monitoring of restored areas (see Condition of Approval 6.17). The Designated Biologist(s) qualified to do botanical surveys and approved by CDFW shall submit the sampling methodology to CDFW at least 30 days prior to conducting baseline surveys. The baseline survey shall include both a qualitative (windshield and pedestrian) and quantitative assessment of target species within the Project Area.

6.19.1. Permittee shall ensure that baseline sampling at control transects is conducted prior to the start of Project construction activities. Sampling shall be conducted during the appropriate season for detecting invasive plant species and shall be based on an appropriate number of monitoring plots (treatment and control sets) approved by CDFW. The Designated Biologist(s) shall conduct sampling for target invasive plant species ranked by the Cal-IPC's Inventory as High or Moderate (http://www.cal-ipc.org/paf/).

6.20. Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/.

6.21. Invasive Plant Species Control Plan. Permittee shall prepare an Invasive Plant Species Control Plan (Invasive Plant Plan) to effectively control and monitor invasive plants within Covered Species habitat that will be temporarily disturbed and subsequently restored. The Invasive Plant Plan shall include the results of baseline surveys (see Condition of Approval 5.18). Permittee shall submit the Invasive Plant Plan to CDFW for approval within 30 days prior to the start of restoration activities. The Designated Biologist shall oversee the management of invasives within the Project Area and may use control methods such as hand removal, mechanical removal and/or focused herbicide application within seeding and planting areas following vegetation restoration. The Designated Biologist shall ensure that invasive plant removal does not result in damage to adjacent Covered Species habitat or to root systems of installed plants. Herbicides may be used if hand or mechanical removal of invasives is unsuccessful or infeasible. Herbicides shall not be used

within or near aquatic habitat and shall only be applied by an applicator holding a valid license issued by the California Department of Pesticide Regulation.

General and Construction

6.22. Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of each phase of the Project (such as decommissioning, repowering, restoration, etc.) and for each Project activity within those phases. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.

6.23. Emergency Response Plan. Before the onset of work, Permittee shall prepare an Emergency Response Plan describing actions that will be taken in case of a fire or other natural disaster or in case of a human-generated disaster, such as a spill or release of hazardous materials. An emergency phone tree, including contact information for all appropriate disaster management agencies and natural resources agencies, shall be included in the plan and should be posted on-site in a visible location. The Emergency Response Plan shall specify containment procedures for hazardous substances, with emphasis on avoidance of the aquatic features at the Project site.

6.24. Artificial Lighting. To the maximum extent feasible, Permittee shall ensure that work after sunset is avoided. If night-time work cannot be avoided, it will be limited in extent, duration, and brightness to the maximum extent feasible. No earthmoving activities or overland travel shall take place during night-time work. All night-time work and construction-related traffic shall be suspended during rain events. Lighting shall be faced downward and shall only be used in the immediate workspace. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities.

6.25. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and Project site access routes during Covered Activities, except those in the possession of authorized security personnel, fatality monitoring staff as required by Condition of Approval 7.12, or local, State, or federal law enforcement officials.

6.26. Wildfire Prevention. If the Project site is within a high or very high Fire Hazard Severity Zone (refer to https://egis.fire.ca.gov/FHSZ/) or the risk of fire danger is high based on 7-day predictions from National Oceanic and Atmospheric Administration forecasts, Permittee shall mow access pathways, staging areas and work areas before allowing heavy equipment and vehicles to access the site. Non-living vegetative debris shall be cleared from around the immediate work footprint, and basic fire suppression supplies shall be kept on-site at all times. Disking and/or tilling are not permitted for fire prevention without prior written permission from CDFW.

6.27. 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.

7.1.1. Operations and Maintenance Notifications. The Designated Representative shall submit an O& M notification on an as need basis, but at least 14 days prior to start of activity. The O&M notification shall include the type of Covered Activities required, estimated impact area and whether the impacts will be on previously disturbed areas and will be permanent, semi-permanent or temporary; estimated start and end dates, closest turbine number and distance from nearest pond(s); and a total of all O & M impacts to date. The notification shall also provide a list of ITP Conditions of Approval appropriate for the Covered Activity for CDFW review and approval. CDFW shall determine which ITP Conditions of Approval apply for the O&M Covered Activities included in the notification (for example, Condition of Approval 8.13 Exclusion Fencing Near Aquatic Features).

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, full-time daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall be on-site during rain events to relocate any Covered Species and to ensure exclusion fencing is intact. Daily compliance inspections shall resume if the Designated Biologist or CDFW finds the Permittee is out of compliance with any conditions of this ITP including the failure to maintain the temporary barrier described in Condition of Approval 8.7.

7.3.1. 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. Photo Monitoring. No less than 10 photo monitoring stations shall be established to provide representative views of Project, construction, and restoration activities. Photo monitoring station results shall contribute to the assessment of temporary impacts and restoration work by CDFW; therefore, Permittee should ensure that photo monitoring stations numbers and locations are sufficient to document temporary impacts and restoration success. Photo monitoring shall be done as follows:

7.4.1. Stations should be located in areas that allow for unobstructed views and a field of vision of approximately 2,000 feet.

7.4.2. At least one photograph shall be taken at all stations prior to ground-breaking activities, and each month thereafter until construction and initial restoration is complete. Photo documentation of restoration success shall occur every three months following initial restoration until restoration success criteria are reached.

7.4.3. Photo monitoring station locations shall be provided to CDFW in a geographic format with the coordinate system identified.

7.4.4. If CDFW or the Designated Biologist(s) determines that additional monitoring stations are necessary, the locations shall be added to the inventory of photo monitoring stations.

7.4.5. During each photo monitoring cycle, all stations shall be visited within two days.

7.5. Monthly Construction and Maintenance Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly 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. If no covered Activities occur during the O&M period, then a Monthly Compliance Report is not required. Monthly 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 Marcia Grefsrud (Marcia.Grefsrud@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.

7.6. 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 Monthly 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; and (6) information about other Project impacts on the Covered Species.

7.7. 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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit the observation to notification along with GPS coordinates and photographs to CDFW email at Marcia.Grefsrud@wildlife.ca.gov within 24 hours of observation.

7.8. Final Construction Phase Report. No later than 45 days after completion of all initial construction activities, including all required monitoring, Permittee shall provide CDFW with a Final Construction Phase Report. The Designated Biologist shall prepare the Final Construction Phase Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs during the construction phase; (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 during construction; (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.

7.9. Final O&M Phase Report. No later than 45 days after completion of all O&M activities and after turbines are no longer operational, Permittee shall provide CDFW with a Final O&M Phase Report. The Designated Biologist shall prepare the Final O & M Phase Report which shall include, at a minimum: (1) a summary of any Monthly Compliance Reports and all ASRs during the O & M phase; (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.

7.10. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, including all required monitoring for the term of the ITP, 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 Monthly 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.

7.11. Notification of Observation, Take or Injury. Permittee shall notify the Designated Biologist by the end of the business day if a Covered Species is observed within the Project Area or 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. Covered bird species observations (other than take or injury) must only be reported pursuant to this condition if an active nest is observed The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 482-2002 and the CDFW Representative at (707) 644-2812 or email at Marcia.Grefsrud@wildlife.ca.gov by the end of the business day. The initial notification to CDFW shall include information regarding the location, species, and

number of animals observed, taken or injured and the ITP Number. If the take or injury is a result of Covered Activities then following initial notification, Permittee shall send CDFW a written report within two calendar days of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs and maps of the location and the Covered Species, explanation as to cause of take or injury, and any other pertinent information.

7.11.1. If a California tiger salamander is found recently deceased, a ½- inch portion of the tail tip shall be removed and placed in a labeled tissue tube with 95 percent ethanol. The remaining carcass, if salvageable, shall be immediately bagged, labeled, and preserved in a freezer. The labels shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. Tail specimens shall be delivered to:

CDFW Bay Delta Region
Attention: Marcia Grefsrud
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

The remaining carcasses shall be delivered to the following address within two calendar days of the discovery:

CDFW Wildlife Investigations Lab
Attention: Deana Clifford
1701 Nimbus Road, Suite D
Rancho Cordova, CA 95670

7.11.2. Tricolored blackbird. If an unidentified deceased blackbird is found, a toe or foot shall be removed, labeled and preserved in a collection kit for genetic analysis (Condition of Approval 8.30). The remaining carcass shall be immediately labeled and preserved in a separate collection kit. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. Foot or toe specimens shall be delivered to:

CDFW Forensics Lab, Law Enforcement Division
Attention: Ashley Spicer
1415 N Market Boulevard, Suite 3
Sacramento, CA 95834

The remaining carcasses shall be delivered to the following address within two calendar days of the discovery:

U.S. Geological Survey
Forest & Rangeland Ecosystem Science Center
Attention: Dr. Todd Katzner
970 Lusk Street
Boise, ID 83706

Permittee shall bear any costs associated with the genetic analysis.

7.12. Avian Fatality Monitoring and Reporting. Permittee shall submit a tricolored blackbird fatality monitoring survey methodology to CDFW for review and approval no less than 180 days prior to Project Commercial Operation Date (COD) and shall at a minimum include the details required under this Condition of Approval or propose alternative options to be approved by CDFW. Because scientific advances should be incorporated where appropriate, modifications to the methodology may be submitted to CDFW for written approval. Searches, using CDFW- approved search dogs and Designated Biologists shall be conducted annually surrounding each turbine at least every 7 days from March 1 to October 31 during operations. These searches shall be conducted for at least the first three years after the start of operations and continue at for three consecutive years starting on year 10 after the COD (for example, survey on years 2035-2037 and 2045-2047 for the duration of the ITP. After receipt of first three years of avian monitoring data and reporting, CDFW will review the information and assess whether a longer search interval (e.g., 14 days) or other changes in monitoring frequency (across years, seasonal duration) can be applied to reduce survey effort without negatively affecting utility of dataset for accurate quantification of take. Monitoring reports shall be submitted to CDFW within 60 days (i.e., December 31) after completion of monitoring each year that monitoring occurs.

7.12.1. Turbine Searches. The Designated Biologist shall search the terrain within at least a 350- foot radius around each turbine and/or two-thirds of turbine height (tip of blade), or within a statistically-defensible radius around each turbine (Turbine Search Area) to be specified for CDFW approval in the methodology submittal required under Condition of Approval 7.12 for any Swainson's hawk or tricolored blackbird carcasses and/or parts of carcasses such as feathers and bones. During each search, a complete monitoring datasheet shall be filled out with the annotated search area map (Condition of Approval 7.12.3). Turbine searches shall not occur during dense fog or heavy rain. If the search is delayed because of dense fog or heavy rain, the Designated Biologist shall take photos of the field site and/or a printout of the day's weather conditions at the Project site, from the National Ocean and Atmospheric Administration (NOAA) weather website. This weather report shall be submitted in the MMRP and turbine searches shall continue as soon as weather permits, maintaining the initial search interval as closely as possible. Searches shall begin and end during daylight hours. CDFW may augment the Turbine Search Area if it is found to be inadequate to capture instances of take (i.e., due to variations in topography, turbine height, predominant wind directions, etc.).

7.12.2. Turbine Search Area Transects. The Turbine Search Area will be searched following transects adequate to cover the entirety of the radius specified in Condition of Approval 7.12.1. Actual transect spacing will be determined based upon the scent detection dogs' training and terrain/vegetation status. If there are obstacles, the Designated Biologist shall determine the most feasible way of searching the site with CDFW written approval.

7.12.3. Search Area Map. An aerial-based map for each turbine search is required annually indicating the proposed transects locations, the turbine location, and woody vegetation within and adjacent to the search area. The format of the map shall be approved in writing by CDFW.

7.12.4. Carcass Detection. The Designated Biologist shall document all mortalities by completely filling out the approved monitoring datasheet (Condition of Approval 7.12.5). All carcasses with at least 5 bones and 5 tail feathers, or 2 primaries, or a total of 10 feathers within at least 5 meters (16 feet) of each other, shall be considered a turbine-related fatality. All detections that do not meet these criteria shall be noted on the monitoring datasheet. If a carcass is difficult to reach location (e.g., pond or wetland, etc.), the Designated Biologists shall use a long pole/net to retrieve the carcass for further data collection.

7.12.5. Monitoring Datasheet. The Designated Biologist shall completely fill out all applicable fields of the monitoring datasheets and include the search area map (Condition of Approval 7.12.3) during each search event, even when there are no carcass detections.

7.12.6. Incidental Carcass Find. Fatalities of suspected or known Covered Species incidentally found outside the turbine search area shall be documented and collected in the same manner as fatalities found during turbine searches, but shall be identified as incidental on the monitoring datasheet. All fatalities found during operations of the Project that are reasonably suspected to be a Covered Species shall be verified by the Designated Biologists and reported in accordance with this ITP.

7.12.7. Incidental Take of Covered Species (Avian). No take beyond 17 tricolored blackbirds and 2 Swainson's hawks and one Swainson's hawk nest is authorized by this ITP. Permittee shall track incidental take of tricolored blackbird and Swainson's hawk and notify CDFW immediately if take limits authorized by this ITP are likely to be exceeded in the coming month(s). Permittee shall apply for an Amendment within 30 days of this determination in order to address additional impacts.

7.12.8. Statistical Analysis (Tricolored Blackbird and Swainson's hawk). Permittee shall provide evidence that the take limits have not been exceeded by using "Evidence of Absence" (EoA) software (http://www.usgs.gov/node/279290) or

other CDFW-approved statistical model to estimate the number of fatalities when few or even zero carcasses are found during the fatality monitoring described in Condition of Approval 7.12. EoA or equivalent shall be conducted annually, after the monitoring year, and shall be submitted to CDFW for review within 60 days of completing each monitoring year (i.e., December 31, per Condition of Approval 7.12). Use of GenEST and integrated searcher efficiency and carcass persistence trials may be substituted for the EoA statistical analysis, when appropriate and if approved by CDFW.

7.12.9. Exceedance of Take (Tricolored Blackbird and Swainson's hawk). If the statistical analysis shows the take limits may be exceeded prior to the ITP term limits, the Permittee shall apply for an Amendment (and Extension if necessary), within 30 days of this determination to address additional impacts.

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:

Multi-Species Protective Measures

8.1. Inspection of Pipes and Culverts. All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored in the Project Area for one or more overnight periods shall be either securely capped prior to storage or thoroughly inspected by the Designated Biologist(s) and/or the construction foreman/manager for the Covered Species or other animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a California tiger salamander is found, it may be relocated as described in Condition of Approval 8.5 and 8.6. If a San Joaquin kit fox is found, it shall not be handled, but shall be allowed to passively move away from the work area (see Condition of Approval 8.21).

8.2. Inspection of Reclaimed Pads Prior to Removal. To-be-reclaimed turbine pad areas shall be inspected by the Designated Biologist no more than two weeks prior to removal of the pad to determine the presence and extent of any burrow complexes. Survey results, including photographs of burrow complexes, shall be provided to CDFW at least one week prior to initiation of reclamation of the pads. If burrow complexes are found around one of these turbine pads, Permittee shall consult with the CDFW Regional Representative before conducting removal and reclamation activities. Importation of fill and re-contouring activities are subject to CDFW approval if burrow complexes are present.

8.2.1. Excavation of Refuge Habitat. All excavation of potential refuge features, including small-mammal burrows, individual rocks and rock piles, and other accessible features with an entrance diameter of greater than or equal to 2 inches, as well as gopher digging piles and mounds, shall be carried out by hand by the Designated Biologist. Tool use for excavation shall be limited to a

hand trowel or garden spade. Burrows shall be excavated to the terminus of each branch or until the burrow diameter is less than 1 inch.

8.3. Use of Rodenticide and Poison. At no time during the life of the Project shall rodenticides or other poisons used in the control of burrowing animals be used by Permittee in the Project Area or within mitigation lands.

California Tiger Salamander

8.4. Covered Species (California tiger salamander) Handling and Injury. California tiger salamander shall be handled and assessed according to the Restraint and Handling of Live Amphibians USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001) (Attachment 2). If an injured California tiger salamander is found during the Project term, the individual shall be evaluated by the Designated Biologist who shall then immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the injured California tiger salamander shall be placed in a shaded container and kept moist. If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts then the following steps shall be taken by the Designated Biologist:

8.4.1. If the injury is minor or healing and the California tiger salamander is likely to survive, the California tiger salamander shall be released immediately in accordance with the Condition of Approval 8.5 and 8.6.

8.4.2. If it is determined that the California tiger salamander has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to the Lindsay Wildlife Experience or another CDFW approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by the CDFW and U.S. Fish and Wildlife Service. Permittee shall bear any costs associated with the care or treatment of such injured California tiger salamander. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.10.

8.5. California Tiger Salamander Relocation. The Designated Biologist shall relocate any California tiger salamander found within the Project Area to be impacted to an active rodent burrow system located no more than 300 feet outside of the Project Area unless otherwise approved by CDFW in writing. The Designated Biologist shall document both the capture and relocation areas by photographs and GPS positions. Covered Species shall be photographed and measured (snout-vent) for identification purposes prior to relocation. All documentation shall be provided to the CDFW within 24 hours of California tiger salamander relocation.

8.6. California Tiger Salamander Relocation Plan. The Designated Biologist(s) shall prepare a Covered Species Relocation Plan (Relocation Plan). The Relocation and Handling Plan shall include, but not be limited to, an identification of the survey and hand excavation, capture, handling, and relocation methods; and identification of where the individuals will be relocated to and how they will be transported. Relocation areas shall be identified by the Designated Biologist based upon best suitable habitat available and time of year and approved by CDFW prior to the start of Covered Activities. The Relocation Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s) are authorized to capture and handle the California tiger salamander.

8.7. Exclusion Fencing Near Aquatic Features. To prevent the California tiger salamander from entering the construction area, exclusion fencing or drift-fence with associated pitfall traps and coverboards shall be constructed in strategic locations and in and around all work areas within 500 feet of all aquatic features. The barrier shall be designed to allow the Covered Species to leave the Project Area using a one-way funnel or other method approved by CDFW. Permittee shall coordinate with CDFW and USFWS on a fencing plan and shall submit the design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities. Exclusion fencing shall be installed prior to the start of Covered Activities and shall be placed within 10 feet of the edge of work areas or other appropriate distance in consultation with, and approved by, CDFW and USFWS. Permittee shall maintain the barrier throughout all construction activities. The Designated Biologist shall inspect the area prior to installation. The interior and exterior of the exclusion fencing shall be inspected by the Designated Biologist at least once daily before 0900 each day to ensure that no California tiger salamanders are trapped against the fencing, where they could desiccate or be predated upon. If the fence barrier is left in place from November 1 to June 15, the Designated Biologist shall also inspect the fence daily before 0900 each day. Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects.

The barrier shall remain in place until the Permittee completes all Covered Activities and all construction equipment has been removed from the site. The Designated Biologist shall relocate any California tiger salamander found along the fence. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing.

Permittee shall also ensure that silt fencing and/or other erosion control methods are used to prevent sediment or other debris from passing into California tiger salamander aquatic habitat that is within 500 feet of Project construction activities.

8.8. California Tiger Salamander Barrier Monitoring and Surveys. The Designated Biologist or other trained staff during periods when no Covered Activities occur, shall inspect all of the temporary barriers each morning. The barriers shall be monitored

until all ground disturbing activities are completed. Any California tiger salamander found along the barrier shall be relocated in accordance with Condition of Approval 8.5 and 8.6. Refuge opportunities shall be provided along or near both sides of the barrier. The Designated Biologist shall survey the Project Area for the California tiger salamander during and after all evening/nighttime storm events occurring prior completion of grading and scraping. Survey methodology shall be provided to CDFW for approval prior to conducting surveys.

8.9. Delineation of Burrow Complexes. The Designated Biologist shall clearly delineate all potential burrows within the pre-construction survey area (see Conditions of Approval 8.10 and 8.14) and within 100 feet of the Project footprint with posted signs, posting stakes, flags, and/or rope or cord. Signs, stakes, flags, and/or rope shall be clearly distinguishable from markings used to delineate work areas.

8.10. Pre-Construction Burrow Identification. The Designated Biologist shall mark all burrows in undeveloped grassland habitat within 10 feet of new roads, electrical collection lines, or turbine pads with flagging no-less-than five days prior to earthmoving activities in those areas. All burrows shall be avoided to the maximum extent practicable during earthmoving activities.

8.11. Barriers to Movement. Permittee shall construct roadways that are within 1.3 miles of known or potential California tiger salamander breeding sites such that there are no steep curbs, berms, or straw wattles that could prevent California tiger salamander from crossing or exiting the roadway. If curbs/berms/straw wattles are necessary for safety and/or surface runoff, Permittee shall design and construct them to allow California tiger salamander to walk over them. If steep curbs are required, Permittee shall design and construct them to include over-side drains or curb breaks spaced at intervals of 16.4 feet to 32.8 feet to allow California tiger salamander passage.

8.12. Open Trenches and Keyways. To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist shall check all excavated open holes, sumps, trenches, and keyways for California tiger salamander no later than 0900 each day for trapped animals. If a California tiger salamander is trapped in these features, the Designated Biologist shall remove and relocate the animal(s) to a safe location within suitable habitat (see Condition of Approval 8.6 and 8.7) prior to the start of work activities at that site. At the close of each working day, the Designated Biologist shall ensure all excavated, steep-walled holes or trenches more than 6 inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks with a slope of 3:1 (run: rise). Before Permittee fills trenches or holes, the Designated Biologist shall thoroughly inspect them for trapped California tiger salamander. If a California tiger salamander is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the individual as required by Condition of Approval 8.5 and 8.6.

8.12.1. If the open holes, sumps, trenches or excavations cannot be covered then a temporary barrier shall be installed around any trenches, holes, sumps, or

other excavations to prevent California tiger salamander from becoming trapped. Refuge opportunities, such as coverboards (2-foot x 3-foot plywood) or straw wattles shall be provided on the outside perimeter of the barrier.

8.13. Augering and Excavation. The Designated Biologist shall inspect all augering and excavation soils material for California tiger salamander. The Permittee shall ensure auger bits are cleaned by shaking the soil loose and not cleaned by spinning. The Permittee shall ensure excavation is coordinated with the Designated Biologist to allow sufficient time to survey the excavated soil.

8.14. Pre-Activity Surveys. The Designated Biologist shall inspect all ruts and holes near root structures, etc. for California tiger salamander immediately prior to and during excavation or removal. A Designated biologist shall survey the open areas adjacent to ongoing construction. Multiple biologists may be necessary to survey the area appropriately. If a California tiger salamander is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the animal to a safe nearby location (e.g., mouth of ground-squirrel burrow outside of the temporary barrier) per Condition of Approval 7.2 and monitor it until it is determined that it is not imperiled by predators or other dangers.

8.15. Time of Day Work Restriction. Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise during the Covered Species migration/active season from November 1 to June 15. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.

8.16. Seasonal Work Window. Permittee shall limit ground-disturbing Covered Activities involving construction and heavy equipment use (such as excavation, road construction, grading, trenching, contouring and culvert installation) to the following time periods (“seasonal work windows”) until the expiration of this ITP:

8.16.1. Upland Habitat: Between April 15 and October 31 (Dry Season);

8.16.2. Aquatic Habitat: Between June 15 and October 31. Covered Activities may begin prior to June 15 if the stream in which work will occur has been dry for a minimum of 30 days prior to initiating work.

8.17. Seasonal Work Window Extension. Permittee shall adhere to the seasonal work windows required in Condition of Approval 8.16 unless an expanded work window is approved by CDFW’s Regional Representative. Permittee shall submit any requests for extensions at least 14 days prior to the desired date of construction or 14 days prior to the expiration of the seasonal work window. Any work for WTG installation conducted during the wet season shall be limited to construction work not involving ground disturbance and vehicles using completed main and interior gravel roads to gain access to the turbine pads. If such work during the wet season results in areas

previously considered temporarily-disturbed (for example, crane pads) to be restored past December 15 of the year of the impact, then these areas shall be considered semi-permanent or permanent depending on the timing of restoration and achievement of performance standards (see Conditions of Approval 6.16 and 6.17) and an amendment to the ITP may be required. If work is approved by CDFW outside of the seasonal work windows required in Condition of Approval 8.6, the following conditions shall apply:

8.17.1. Turbine pad area or any other work site located within 0.5 miles of Covered Species aquatic habitat, including where equipment will be stored overnight, shall be completely fenced with wildlife exclusion fencing. All construction work shall take place within the fenced area. Installation of exclusion fencing does not apply to graveled or well-traveled roads.

8.17.2. All work and vehicle travel shall be limited to the daylight hours from 30 minutes after sunrise until 30 minutes before sunset, to the maximum extent feasible. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities.

8.17.3. All steep-walled holes or trenches more than 6 inches deep shall be covered overnight with boards or metal plates placed flush to the ground.

8.17.4. Erosion control such as straw wattles or silt fencing shall not be placed where they create a barrier to Covered Species movement between upland and aquatic habitat.

8.18. Wet Season Work Restriction. Covered Activities involving ground disturbing and heavy equipment use (such as excavation, grading, and contouring) during the wet season (November 1 to April 30) shall be subject to approval of CDFW. If approved by CDFW, Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the Project Area. Covered Activities involving ground disturbing activities and heavy equipment use shall cease 24 hours prior to a 40 percent or greater forecast of rain. Covered Activities may continue 24 hours after the rain ceases and there is less than a 40 percent change of precipitation in the 24-hour forecast.

8.18.1. If CDFW approves wet season work, a Designated Biologist(s) shall survey the Project site EACH day rain is forecast and the morning after all storm events. If rain exceeds 0.25 inches during a 24-hour period, work shall cease until there is a less than a 40 percent change of precipitation in the 24-hour forecast.

8.19. Notification of Non-Native Tiger Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a non-native barred tiger salamander (*Ambystoma tigrinum mavortium*) or Covered Species hybrid is found or suspected within the Project Area within 24 hours by calling CDFW's Regional Representative. The Designated Biologist shall not release any non-native or hybrid salamanders back to

the wild until directed to do so by CDFW. The Designated Biologist shall follow the Covered Species Handling and Injury measures outlined in this ITP (see Condition of Approval 8.5).

8.20. Invasive Species. Any bullfrogs (*Lithobates catesbeianus*) encountered during construction or monitoring shall be permanently removed from the wild. Pursuant to Fish and Game Code, section 6854, it is unlawful to take bullfrogs using firearms of any caliber or type. CDFW may issue a permit to take and dispose of frogs under such limitations as the commission may prescribe (Fish and Game Code, § 6854). Permittee may not introduce predatory fishes (including but not limited to largemouth bass, redear sunfish, bluegill, catfish, mosquitofish, and fathead minnows) or amphibians (including but not limited to bullfrogs, barred tiger salamanders, and Arizona tiger salamanders).

San Joaquin Kit Fox

8.21. Standard Protective Guidance for San Joaquin Kit Fox. At no time shall Permittee or its representatives capture, pursue, or otherwise attempt to handle a San Joaquin kit fox. Permittee shall follow USFWS' Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011).

8.22. Pre-Construction Surveys, San Joaquin Kit Fox. Within 15 days prior to any habitat modification, the Designated Biologist shall conduct transect surveys to detect potential San Joaquin kit fox dens. The Designated Biologist shall conduct walking transects such that 100 percent visual coverage of the Project Area is achieved. Transect width shall be adjusted based on vegetation height, topography, etc., to facilitate the detection of dens and other sign. Walking transect surveys shall be used to detect and map known dens, potential dens, and sign (tracks, scat, prey remains). Detection dogs may be used if practicable. Potential San Joaquin kit fox scat shall be collected and labeled based on mapped location. Potential dens shall be considered to be any subterranean hole on the site that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a San Joaquin kit fox.

8.23. Construction Buffers for San Joaquin Kit Fox Dens. If a potential San Joaquin kit fox den is discovered, or a fox is found in an "atypical" den such as a pipe or culvert, Permittee or Designated Biologist shall establish a 50-foot buffer using flagging. If a known kit fox den (one that shows evidence of current use or is known to have been used in the past) is discovered, a buffer of at least 100 feet shall be established using fencing. If a natal den is discovered, it shall be fenced and avoided in a buffer with a diameter of at least 200 feet. Permittee or Designated Biologist shall notify USFWS and CDFW for all of the above except potential kit fox dens. Buffer zones shall be considered environmentally sensitive areas, and entry shall be restricted.

8.24. Protection of San Joaquin Kit Fox Natal Dens. Permittee shall not excavate natal dens for San Joaquin kit fox until the pups and adults have vacated and only after

receiving written permission from USFWS and CDFW. Permittee may destroy known dens only after three days of monitoring with tracking medium or an infra-red camera has determined that a San Joaquin kit fox is not present.

8.25. Destruction/Collapse of Potential San Joaquin Kit Fox Dens. Destruction of any potential San Joaquin kit fox dens shall be accomplished by the Designated Biologist by careful excavation until it is certain that no San Joaquin kit foxes are inside. The den should be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit foxes cannot re-enter or use the den during the construction period. If at any point during excavation a San Joaquin kit fox or kit fox signs is discovered inside the den, excavation shall cease immediately and monitoring of the den as described in ITP Condition of Approval 8.24 shall be resumed. Destruction of the den shall only be completed when, in the judgment of the Designated Biologist, the animal has escaped from or otherwise vacated the partially destroyed den.

Tricolored blackbird

8.26. Tricolored Blackbird Nesting Pre-Construction Surveys. If pre-construction Covered Activities will occur during the tricolored blackbird nesting season (March 1 through August 15) no more than thirty (30) days prior to Covered Activities commencing, including staging, clearing and grubbing, the Designated Biologist shall survey a sufficient area but no less than 0.25 miles from Covered Activities to identify any tricolored blackbird nests or colonies that are present and determine their status. 'Sufficient' in the context of this condition means any nest within an area that could potentially be affected by the Project. The Designated Biologist shall report any active tricolored blackbird nesting colonies to the CDFW representative within 24 hours.

8.27. Tricolored Blackbird Nest Protection Buffer. The Permittee shall establish an appropriate protective buffer of at least 0.10 mile during Project construction-related Covered Activities. The Designated Biologist may expand or reduce the buffer, in consultation with CDFW, if deemed necessary based on specific site conditions, or in instances there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance between the Covered Activities and the active nest colony. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, Designated Biologist may increase the buffer zone to prevent disturbance at the active nesting colony from construction-related Covered Activities.

8.27.1. The Designated Biologist shall monitor any identified active tricolored blackbird nests for the first two days prior to any construction-related Covered Activities to establish a behavioral baseline of the adults and any nestlings. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment.

8.27.2. The Designated Biologist shall monitor the behavior of any active tricolored blackbird nest sites within the buffer area at all times during construction-

related Covered Activities, and shall have authority to order the cessation of all construction work if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Covered Activities within line of sight of the nest shall not resume until the Designated Biologist has consulted with CDFW and both the Designated Biologist and CDFW confirm that the bird's behavior has normalized or the young have fledged and are foraging independently. If the Designated Biologist continues to detect signs of disturbance or behavioral changes, the buffer shall be increased. If the Designated Biologist determines that the colony is still at risk, the Designated Biologist shall notify the CDFW representative and a meeting with the Permittee and CDFW shall be held to determine the best course of action to avoid nest abandonment or take of individuals.

8.28. Tricolored Blackbird Post-Construction Nest Surveys. If turbines are operational during the tricolored blackbird nesting season (March 1 through August 15), the Designated Biologist shall conduct surveys of suitable and potential nesting habitat, as determined by a Designated Biologist with expertise in tricolored blackbirds, within 0.5 mile of the nearest turbine to detect active colonies within or near the Project Area. The Designated Biologist shall conduct these surveys once every 7 days from March 1 to June 30 (for late nesters) each year of operations for the term of the ITP. Bioacoustic monitoring may replace field surveys if overseen by a Designated Biologist and efficacy of the monitoring is equivalent as determined by independent research and approved by CDFW. These surveys will inform bird collision risk and curtailment requirements (see ITP Condition of Approval 8.29).

8.29. Curtailment for Tricolored Blackbird. During operations, Permittee shall curtail and feather blades to prevent the turbine from turning, during daylight and crepuscular hours, all turbines within 0.5 mile of known active tricolored blackbird nesting colonies during the breeding season (March 1 through August 15) or until such time that young have fledged and are foraging independently, or the colony has been vacated for the season as determined by the Designated Biologist, and with prior notification and approval by CDFW. The Designated Biologist shall monitor each active tricolored blackbird colony within the 0.5-mile buffer area on a monthly basis or more frequently as determined by the Permittee, until young have fledged and are foraging independently, or the colony is deemed to be abandoned. If monitoring indicates that tricolored blackbirds are not using the operating facility for foraging, through observations of flight lines away from the facility and absence of tricolored blackbird within the Project Area, Permittee may request modification to the curtailment approach to CDFW for written approval. If curtailment is determined to be ineffective or alternative measures are developed to minimize take without/by

replacing this daytime curtailment, the Permittee may submit modification requests to CDFW for review and written approval.

8.30. Tricolored Blackbird Genetic Testing. If blackbirds of unknown species are detected during terrain carcass surveys (refer to ITP Condition of Approval 7.12), in order to more accurately inform take limits of tricolored blackbird, Permittee shall submit blackbird remains to an accredited facility approved by CDFW for genetic testing and species identification. (See also Condition of Approval 7.11.2.)

Swainson's Hawk

8.31. Swainson's hawk Nest Survey Methodology. The CDFW-approved Designated Biologist, experienced in Swainson's hawk identification and behavior shall conduct Swainson's hawk pre-construction and post-construction annual nesting surveys according to the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000) in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys for the California Central Valley, and available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline. At least one of these surveys will occur no more than thirty (30) days prior to Covered Activities commencing, including staging, clearing and grubbing, the Designated Biologist shall survey a sufficient area but no less than 0.5 mile from the Project Area boundary to identify any Swainson's hawk nests that are present and determine their status. 'Sufficient' in the context of this condition means any nest within an area that could potentially be affected by the Project. The Designated Biologist shall report any active Swainson's hawk nest sites to the CDFW representative within 24 hours. Post-construction annual surveys shall also be conducted according to the guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys for the California Central Valley, with modified effort to one survey per survey period (Periods II, III, and V).

8.32. Swainson's hawk Nest Protection Buffer. If an active nest is identified within the survey area, the Permittee shall establish an appropriate protective buffer of at least 0.5 mile from the active Swainson's hawk nest to prevent disturbance at the active nest from construction-related Covered Activities.

8.32.1. The Designated Biologist shall monitor all identified active Swainson's hawk nests for the first two days prior to any construction-related Covered Activities to establish a behavioral baseline of the adults and any nestlings. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. Even within species, disturbance distances can vary according to time of year or geographical location.

8.32.2. The Designated Biologist shall monitor the behavior of any active Swainson's hawk nest within the buffer area at all times during construction-related Covered Activities, and shall have authority to order the cessation of all

construction work if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Covered Activities within line of sight of the nest shall not resume until the Designated Biologist has consulted with CDFW and both the Designated Biologist and CDFW confirm that the bird's behavior has normalized or the young have fledged and are foraging independently. If the Designated Biologist continues to detect signs of disturbance or behavioral changes the buffer shall be increased. If the Designated Biologist determines that the active nest is still at risk, the Designated Biologist shall notify the CDFW representative and a meeting with the Permittee and CDFW shall be held to determine the best course of action to avoid nest abandonment or take of individuals.

8.33. Swainson's hawk Post-construction Nest Surveys. If turbines are operational during the Swainson's hawk nesting season (March 1 through August 31), the Designated Biologist shall conduct surveys within 1 mile of the nearest turbine to detect active Swainson's hawk nests within or near the Project Area. The Designated Biologist shall conduct these surveys each year of operations for the term of the ITP following the nest survey methodology in ITP Condition of Approval 8.31. These surveys will inform bird collision risk and curtailment requirements (see ITP Condition of Approval 8.34).

8.34. Curtailment for Swainson's hawk. During operations, Permittee shall curtail, during daylight and crepuscular hours, all turbines that are located within 1 mile of active Swainson's hawk nests during the nesting and migration seasons (March 1 to September 15 or until Swainson's hawk are no longer detected in the vicinity of the Project Area). The Designated Biologist shall monitor each active Swainson's hawk nest within the one-mile buffer area until young have fledged and are foraging independently, or the nest is deemed to be abandoned.

9. Habitat Management Land Acquisition and Restoration: CDFW has determined that habitat creation, restoration, nest site protection, and permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related (construction and long-term maintenance) impacts of the taking on California tiger salamander and San Joaquin kit fox, and Project-related (operational) impacts on Swainson's hawk and tricolored blackbird that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage to fully mitigate Project related impacts of the taking on the Covered Species.

Construction and Maintenance

To meet this requirement for temporary and permanent loss of habitat, the Permittee shall either purchase 186.76 acres of Covered Species (upland annual grassland and foraging habitat) credits and 0.072 acre of California tiger salamander aquatic breeding habitat credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) within the East Alameda County Conservation Strategy (EACCS) CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) OR shall provide for both the permanent protection and management of 186.76 acres of Habitat Management (HM) lands and 0.072 acre of aquatic breeding habitat 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.

Additional credits may be required if the CDFW-approved conservation bank site is outside the EACCS CTS North mitigation area described above. Additional credits may also be required if the Project is not within the Service Area of the CDFW-approved conservation bank. The requirement for additional credits or HM lands may be waived if the bank site also satisfies requirements for Swainson's hawk and tricolored blackbird, given the improved conditions for these species if the mitigation area is located more distant from wind energy facilities or other direct threats to the species. Permittee shall provide CDFW with a copy of the credit purchase agreement for the required credits prior to commencing Covered Activities.

Operations

In order to mitigate for the taking of no more than 17 tricolored blackbirds as a result of wind turbine operations (turbine collisions), the Permittee shall: conserve known, or create, and manage in perpetuity, tricolored blackbird wetland or upland breeding habitat, of approximately 0.5- one-acre in size, that has 100 acres of associated foraging habitat (e.g. grassland, irrigated pasture, pesticide-free alfalfa, organic rice, or sunflower that produce large numbers of grasshoppers, dragonflies, and other large insects, with a source of surface water nearby)) and is within 3 miles of at least 100 additional acres of suitable foraging habitat that is already conserved and managed in a way that benefits tricolored blackbird (e.g. organic, pesticide free and insecticide, grazed)), as described in the Tricolored Blackbird Habitat Management Recommendations Matrix, produced by the Tricolored Blackbird Working Group, 2016 (Attachment 3); or by using the EACCS Tables 3-10 and E-10 (Project location within the APWRA and ratio dependent on location of mitigation and approved by CDFW), and Habitat and Population Characteristics and approved by CDFW; or an alternative mitigation option approved by CDFW.

In order to mitigate for direct take of no more than two Swainson's hawks and one Swainson's hawk nest as a result of wind turbine operations (turbine collisions), the Permittee shall: conserve in perpetuity two suitable Swainson's hawk nest trees that include at least one nest that is known to be active in the current nesting season or was known to be active in the previous nesting season, and within, or adjacent to, no less than 80 acres of suitable foraging habitat (e.g., agricultural croplands and/or grasslands) that is managed and conserved in perpetuity or an alternative mitigation option approved by CDFW . As an alternative to a recently active Swainson's hawk nest, a grove or groves of

at least ten trees of suitable Swainson's hawk nesting habitat tree species may be substituted and conserved in perpetuity.

The HM lands for Swainson's hawk and tricolored blackbird habitat may be combined with the California tiger salamander and San Joaquin kit fox grassland habitat if the habitat is suitable for all four Covered Species and approved by CDFW. The permanent protection and management of HM lands shall be 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.

To meet the Project-related (operational) impacts on Swainson's hawk and tricolored blackbird, Permittee may, in lieu of providing for both the permanent protection and management of HM lands, purchase the equivalent in Covered Species nesting habitat credits and associated foraging habitat credits as described above, and subject to CDFW approval, from a CDFW-approved mitigation or conservation bank.

Purchase of Covered Species credits at a CDFW-approved conservation bank 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 9 below for all uncompleted obligations. If Permittee is unable to purchase credits within allowed timeframe CDFW may require an Amendment to this ITP. If a CDFW-approved conservation bank with Covered Species credits is not available, Permittee shall fulfill the mitigation obligations of this ITP with permanent protection and perpetual management of compensatory habitat through land acquisition.

Permanent protection and funding for perpetual management of compensatory habitat for construction and O&M 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 9 below for all uncompleted obligations.

Permittee shall also restore on-site 85.96 acres of temporarily and semi-permanently impacted Covered Species habitat pursuant to Condition of Approval 9.6. If any temporary impacts do not meet the criteria identified in ITP Conditions of Approval 6.16 and 6.17, then CDFW shall require compensatory mitigation to offset the additional Project temporal impacts. If Permittee does not complete seeding of temporary impact areas by October 31, unless otherwise approved by CDFW, of the year of the impact, but restores impact areas within 2 years of the impact consistent with Conditions of Approval 6.16 and 6.17, then CDFW shall consider those disturbed areas as semi-permanent, and require compensatory mitigation at a 2:1 ratio (acres of mitigation: acres of impact). If Permittee does not restore areas considered temporarily-disturbed within 2 years, then CDFW shall consider those areas as permanent impacts, and require compensatory mitigation at a 3:1 ratio (acres of mitigation: acres of impact).

No take beyond the 119.56 acres of upland/foraging habitat, 0.032 acre of aquatic breeding habitat, 17 tricolored blackbird individuals, 2 Swainson's hawk individuals and one Swainson's hawk nest for the Covered Species authorized in this ITP shall occur

unless this ITP is amended by CDFW prior to additional impacts. This mitigation requirement will be identified by CDFW in writing and shall be subject to an amendment as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable regulations and law.

9.1. Cost Estimates. CDFW has estimated the cost of 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 $26,000.00/acre for a minimum of 186.76 acres: $4,855,760.00 for construction and maintenance impacts, and a minimum of 100 acres: $2,600,000.00 for operational impacts to tricolored blackbird and Swainson's hawk, for a total of 286.76 acres: $7,455,760.00. Actual land acquisition costs may be lower, since the HM lands for Swainson's hawk and tricolored blackbird habitat may be combined with the California tiger salamander and San Joaquin kit fox grassland habitat if the habitat is suitable for all four Covered Species and approved by CDFW. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

9.1.2. 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 $250,000.00;

9.1.3. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at $35,493.60;

9.1.4. Long-term management funding as described in Condition of Approval 9.4 below, estimated at 3,000.00/acre for 286.76 acres: $860,280.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.5. 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.

9.1.6. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6 calculated at $3,500.00/acre for 85.96 acres: $300,860.00.

9.2. Covered Species Credits. Permittee shall purchase 186.76 acres of Covered Species credits for construction and maintenance and 100 acres of Covered Species credits for operations 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.

OR:

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

9.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The 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 Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

9.3.2. 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, a formal Proposed Lands for Acquisition Form (see Attachment 4B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. HM lands shall meet the minimum habitat requirements for the Covered Species including, but not limited to one or more aquatic features on-site which have been documented to support successful California tiger salamander breeding in an average or below average rainfall year (abundance and distribution) or adjacent to aquatic features which have been documented to support successful California tiger salamander breeding in an average or below average rainfall year (abundance and distribution) and already conserved and managed to the satisfaction of CDFW for the California tiger salamander; no less than 100 acres of suitable upland or adjacent to suitable upland already conserved and managed for the California tiger salamander;

9.3.3. <u>HM Lands Documentation</u>. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please

contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.

9.3.3.1. 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.

9.3.3.2. 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://wildlife.ca.gov/Conservation/Planning/Banking/Templates; (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 including construction of a pond and riparian planting; and (7) installing signage;

9.3.3.2.1. The final management plan shall include:

9.3.3.2.1.1. Pond maintenance and monitoring for a pond suitable for Covered Species breeding in non-drought years.

9.3.3.2.1.2. Grazing management to be instituted that targets the maintenance of suitable dispersal and upland habitat for the Covered Species.

9.3.3.2.1.3. No rodent control will occur unless approved in advance in writing by CDFW.

9.3.4. 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, pond monitoring, potential remedial measures and costs, amphibian surveys, trespass management, grazing 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 8.3.6. 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 79.96 acres and of Covered Species grassland habitat that will be temporarily disturbed during construction, 0.012 acre of temporary aquatic impacts, and 6.0 acres of Covered Species habitat

that will be temporarily disturbed during maintenance. Within two months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the temporary disturbance and shall ensure that the Vegetation Restoration Plan is successfully implemented by the contractor. The Vegetation Restoration Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The Vegetation Restoration Plan shall also indicate the best time of year for seeding to occur.

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 8 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 **$8,902,393.60** or in the amount identified in 8.1 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 8.1 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 4) 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 within one year of the effective date of this ITP or no later than 30 days before Covered Activities begin.

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 5) 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:

- 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.

OR

- 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 (2081-2019-040-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Erin Chappell, Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
Telephone (707) 428-2002
R3CESA@wildlife.ca.gov

and a copy (digital copy preferred) to:

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

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

Marcia Grefsrud
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
Telephone (707) 644-2812
Marcia.Grefsrud@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Alameda County Community Development Agency (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the Altamont Pass Wind Resource Area Repowering Final Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2010082063), dated October 2014 that the Alameda County Community Development Agency certified for Altamont Pass Wind Resource Area Repowering Project on November 12, 2014 and the Sand Hill Wind Project Subsequent Environmental Impact Report certified by the lead agency on February 13, 2020. At the time the lead agency certified the PEIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's PEIR for the Project and the environmental effects related to issuance of this ITP [CEQA Guidelines, § 15096, subd. (f)]. CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XIV. Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (See 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, Altamont Pass Wind Resource Area Repowering Final PEIR, the results of site visits and 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:

Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;

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) restoration and permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly 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 up to 286.8 acres 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;

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;

The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;

All required measures are capable of successful implementation;

This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;

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

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
FIGURE 2	Project Layout
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Restraint and Handling of Amphibians
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 6/26/2024 **.**

DocuSigned by:
Erin Chappell
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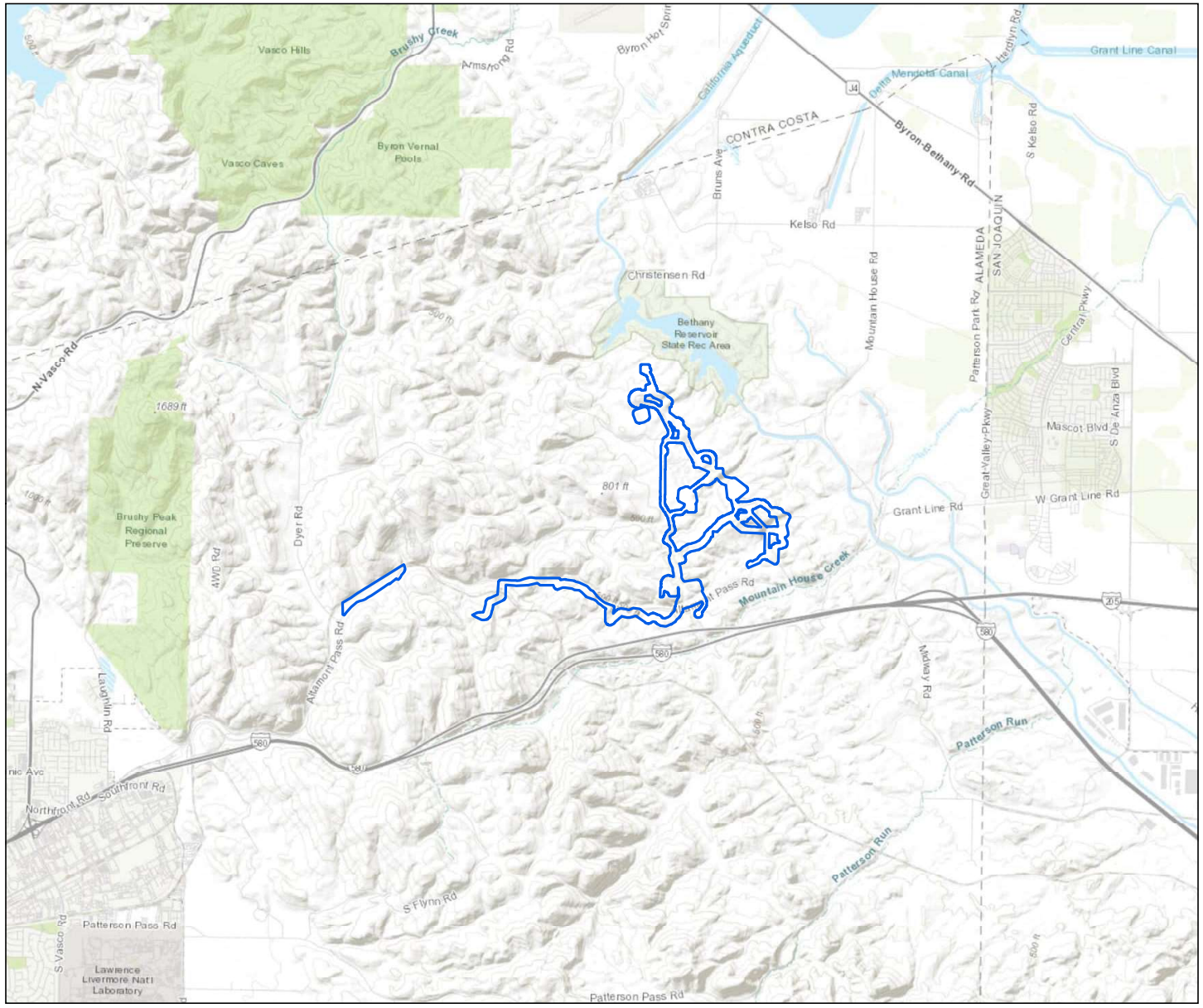
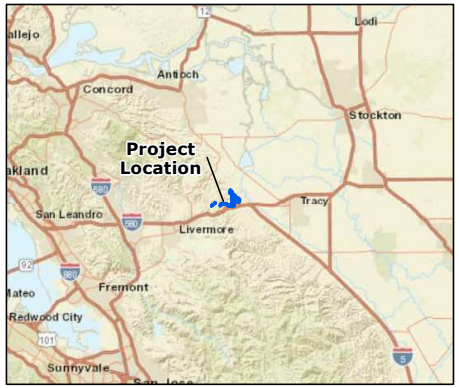
Erin Chappell, Regional Manager
Bay Delta Region





Legend

Aquatic Resource Delineation Study Area (591.7 Acres)

Source:
1. ESRI - World Topographic Map and World Street Map

0 1.5 3
Miles

Figure 1-1
Project Location
Sand Hill Wind Repowering Project
Alameda County, California

Jacobs

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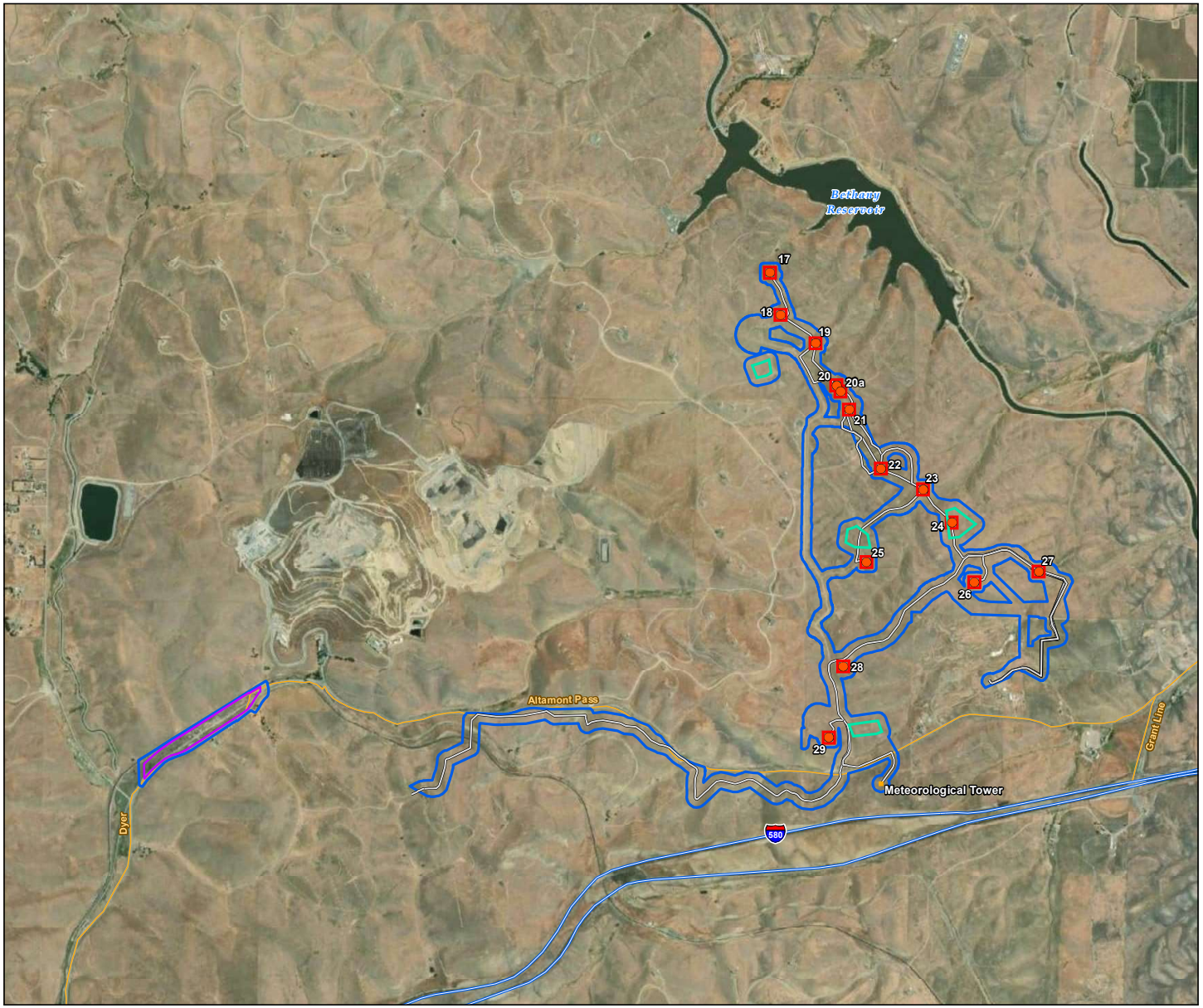

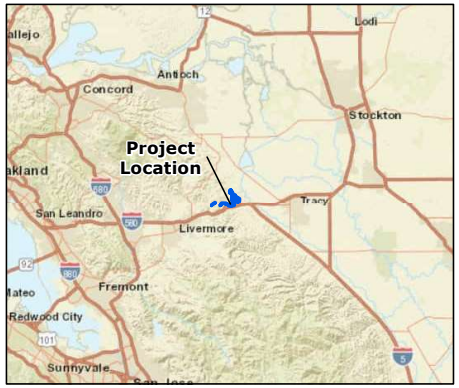

Legend

- Turbine
- Meteorological Tower
- Highway
- Road
- Collection Line
- Laydown Yard (23.8 Acres)
- Laydown
- Turbine Pad
- Meteorological Tower Work Area
- Aquatic Resource Delineation Study Area (591.7 Acres)

Source:
1. ESRI World Imagery (2021)

0 0.5 1
Miles

N

Figure 1-2
Aquatic Resource Delineation Study Area With Preliminary Project Components
Sand Hill Wind Repowering Project
Alameda County, California

Jacobs

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Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-040-03

PERMITTEE: **Viracocha Winds, LLC**

PROJECT: **Sand Hill Wind Repowering Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	BEFORE DISTURBING SOIL OR VEGETATION				
1	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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Designated Biologist(s), Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, 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.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	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.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	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.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	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.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	Delineation of Property Boundaries. Before starting Covered Activities, 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.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
7	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.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
8	Vegetation Restoration. Permittee shall prepare a Vegetation Restoration Plan (Restoration Plan) to restore Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Permittee shall submit the Restoration Plan to CDFW for approval within at least 30 days prior to the start of restoration activities. The Restoration Plan shall include results of soil analysis which will include ground-truthing soil conditions (e.g., type, texture, chemical composition and pH) by taking a soil sample and submitting the sample to an analytical lab. The Restoration Plan shall identify plant species damaged or removed during Project activities. The Restoration Plan shall include the following restoration standards:	ITP Condition # 6.17	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	Reference Sites. Prior to initiating ground disturbance, Permittee shall establish a representative number of transects within disturbed areas ("treatment") which will each be associated with a reference ("control") site (i.e., site within intact natural habitat that will be used as a model for restoration activities). Each treatment-control transect set shall be appropriately-placed and numbered for identification purposes. The slope, aspect, and hydrological conditions shall be similar for both the site to be restored and the reference site. To document existing plant communities, Permittee shall photograph the treatment and control sites during the spring (March to June) when most flowering plants are in bloom. Permittee shall also evaluate species composition at the reference site. Permittee shall use information collected at the reference site to guide restoration activities.	ITP Condition # 6.17.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	Performance Standards. To be considered a successful restoration site, Permittee shall meet the following performance standards:	ITP Condition # 6.17.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	Gravel shall be removed from restored areas;	ITP Condition # 6.17.2.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
12	Permittee may import and place up to three (3) feet of soil and/or a thin layer (less than 1/4-inch) of clean green waste compost, ¼-inch to ½- inch screen size, in compacted areas, such as former roads and turbine pads, to increase the potential for vegetation establishment. Fill shall not be placed for purely aesthetic purposes, as fill has the potential to result in unnecessary and avoidable take of Covered Species. The upper one (1) foot of fill shall consist of topsoil;	ITP Condition # 6.17.2.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
13	To the maximum extent feasible, topsoil shall be salvaged from within on-site work areas prior to construction. Imported fill soils shall be limited to weed-free topsoil similar in texture, chemical composition and pH to soils found at the reference site. At least two soil samples from each off-site fill source shall be submitted to a soil sampling lab for analysis. If Permittee chooses to import fill from an off-site location, CDFW and the property owner(s) shall be notified of the source of the fill at least 30 days in advance and shall be given the opportunity to inspect the fill and its source. If the fill source is deemed to be inappropriate (e.g., the type of soil is inappropriate or the soil would be sourced from a site with a major weed infestation), CDFW may require an alternative source of fill;	ITP Condition # 6.17.2.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
14	Minor re-contouring may be conducted; however, Permittee shall limit grading, compaction, fill, and all other earthmoving activities to the Project Area. Soils shall be protected from wind erosion using a biodegradable erosion control blanket or appropriate mulch cover (i.e., hydroseed or mulch) until vegetation is established. Seed shall be applied in the early fall, between October 15 and October 31. If feasible, seed shall be applied immediately prior to the first rain event;	ITP Condition # 6.17.2.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
15	Permittee shall pre-designate each restoration area for establishment of a specific native vegetation community, based on slope, aspect, hydrological conditions, and if applicable, adjacent native vegetation. The seed mix for each restoration site shall be tailored to achieve the species composition of the pre-designated vegetation community. The distribution of vegetation communities within the restoration area shall be roughly proportionate to any native vegetation communities impacted. Following restoration, the species composition of each restoration site shall closely match that of the associated reference site;	ITP Condition # 6.17.2.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	Seed mixes shall include only locally native species at a ratio appropriate to the site, with an emphasis on native bunchgrasses and other grassland species. Local native wildflower may also be included in the mix. Seed may be collected from within the Project Area. Additional seed shall be sourced from within 50 miles of the Project Area (i.e., original genetic material shall have been collected within this radius); however, the seed may be purchased from a seed farm outside of this area. For seeding and mulching exposed slopes, the seed blend may include one or two sterile non-native perennial grass species.	ITP Condition # 6.17.2.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
17	Permittee shall complete seeding as soon as possible, but no later than October 31 of the year of the impact. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.	ITP Condition # 6.17.2.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
18	No more than 15 percent of the vegetation in each restoration site shall consist of species designated as high or moderate invasive plants in the California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory Database (https://www.cal-ipc.org/plants/inventory/). If the presence of invasive species exceeds this threshold, Permittee is responsible for conducting appropriate control activities in coordination with the property owner.	ITP Condition # 6.17.2.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
19	Monitoring and Maintenance. Permittee is responsible for monitoring and maintaining the restored areas for a period of five (5) years or until the Restoration Plan success criteria have been met, whichever is longer. For the first six months following completion of restoration activities, Permittee shall submit a brief monitoring report (10 pages or less, not including figures) detailing vegetation establishment, percent invasive plant cover, and other relevant observation regarding success of the restoration project to CDFW. If restoration has been successful as outlined in Condition of Approval 6.17.2, Permittee may submit the report at the end of Year 1 and annually thereafter.	ITP Condition # 6.17.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
20	If the survival and/or cover requirements are not meeting the performance standards outlined in Condition of Approval 6.17.2, Permittee is responsible for replacement planting, additional watering, weeding, invasive plant eradication, or any other practice, to achieve these requirements. Permittee shall continue to submit monthly restoration reports (see Condition of Approval 6.17.3) to CDFW until the standards have been met. Replacement plantings shall be monitored with the same survival and growth requirements for five (5) years after planting.	ITP Condition # 6.17.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
21	Invasive Plant Species Control- Baseline. Permittee shall ensure that pre-Project baseline conditions are established for documenting type, location and general abundance of invasive plant species within the Project Area. These baseline conditions will be used for post-construction monitoring of restored areas (see Condition of Approval 6.17). The Designated Biologist(s) qualified to do botanical surveys and approved by CDFW shall submit the sampling methodology to CDFW at least 30 days prior to conducting baseline surveys. The baseline survey shall include both a qualitative (windshield and pedestrian) and quantitative assessment of target species within the Project Area.	ITP Condition # 6.19	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	Permittee shall ensure that baseline sampling at control transects is conducted prior to the start of Project construction activities. Sampling shall be conducted during the appropriate season for detecting invasive plant species and shall be based on an appropriate number of monitoring plots (treatment and control sets) approved by CDFW. The Designated Biologist(s) shall conduct sampling for target invasive plant species ranked by the Cal-IPC's Inventory as High or Moderate (http://www.cal-ipc.org/paf/).	ITP Condition # 6.19.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
23	Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of each phase of the Project (such as decommissioning, repowering, restoration, etc.) and for each Project activity within those phases. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.	ITP Condition # 6.22	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
24	Emergency Response Plan. Before the onset of work, Permittee shall prepare an Emergency Response Plan describing actions that will be taken in case of a fire or other natural disaster or in case of a human-generated disaster, such as a spill or release of hazardous materials. An emergency phone tree, including contact information for all appropriate disaster management agencies and natural resources agencies, shall be included in the plan and should be posted on-site in a visible location. The Emergency Response Plan shall specify containment procedures for hazardous substances, with emphasis on avoidance of the aquatic features at the Project site.	ITP Condition # 6.23	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
25	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. Operations and Maintenance Notifications. The Designated Representative shall submit an O& M notification on an as need basis, but at least 14 days prior to start of activity. The O&M notification shall include the type of Covered Activities required, estimated impact area and whether the impacts will be on previously disturbed areas and will be permanent, semi-permanent or temporary; estimated start and end dates, closest turbine number and distance from nearest pond(s); and a total of all O & M impacts to date. The notification shall also provide a list of ITP Conditions of Approval appropriate for the Covered Activity for CDFW review and approval. CDFW shall determine which ITP Conditions of Approval apply for the O&M Covered Activities included in the notification (for example, Condition of Approval 8.13 Exclusion Fencing Near Aquatic Features).	ITP Condition # 7.1, 7.1.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	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.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

27	Permittee shall either purchase 186.76 acres of Covered Species (upland annual grassland and foraging habitat) credits and 0.072 acre of California tiger salamander aquatic breeding habitat credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) within the East Alameda County Conservation Strategy (EACCS) CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) OR shall provide for both the permanent protection and management of 186.76 acres of Habitat Management (HM) lands and 0.072 acre of aquatic breeding habitat 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. Additional credits may be required if the CDFW-approved conservation bank site is outside the EACCS CTS North mitigation area described above. Additional credits may also be required if the Project is not within the Service Area of the CDFW-approved conservation bank. The requirement for additional credits or HM lands may be waived if the bank site also satisfies requirements for Swainson's hawk and tricolored blackbird, given the improved conditions for these species if the mitigation area is located more distant from wind energy facilities or other direct threats to the species. Permittee shall provide CDFW with a copy of the credit purchase agreement for the required credits prior to commencing Covered Activities. Operations In order to mitigate for the taking of no more than 17 tricolored blackbirds as a result of wind turbine operations (turbine collisions), the Permittee shall: conserve known, or create, and manage in perpetuity, tricolored blackbird wetland or upland breeding habitat, of approximately 0.5- one-acre in size, that has 100 acres of associated foraging habitat (e.g. grassland, irrigated pasture, pesticide-free alfalfa, organic rice, or sunflower that produce large numbers of grasshoppers, dragonflies, and other large insects, with a source of surface water nearby)) and is within 3 miles of at least 100 additional acres of suitable foraging habitat that is already conserved and managed in a way that benefits tricolored blackbird (e.g. organic, pesticide free and insecticide, grazed)), as described in the Tricolored Blackbird Habitat Management Recommendations Matrix, produced by the Tricolored Blackbird Working Group, 2016 (Attachment 3); or by using the EACCS Tables 3-10 and E-10 (Project location within the APWRA and ratio dependent on location of mitigation and approved by CDFW), and Habitat and Population Characteristics and approved by CDFW; or an alternative mitigation option approved by CDFW. In order to mitigate for direct take of no more than two Swainson's hawks and one Swainson's hawk nest as a result of wind turbine operations (turbine collisions), the Permittee shall: conserve in perpetuity two suitable Swainson's hawk nest trees that include at least one nest that is known to be active in the current nesting season or was known to be active in the previous nesting season, and within, or adjacent to, no less than 80 acres of suitable foraging habitat (e.g., agricultural croplands and/or grasslands) that is managed and conserved in perpetuity or an alternative mitigation option approved by CDFW . As an alternative to a recently active Swainson's hawk nest, a grove or groves of at least ten trees of suitable Swainson's hawk nesting habitat tree species may be substituted and conserved in perpetuity. The HM lands for Swainson's hawk and tricolored blackbird habitat may be combined with the California tiger salamander and San Joaquin kit fox grassland habitat if the habitat is suitable for all four Covered Species and approved by CDFW. The permanent protection and management of HM lands shall be 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. To meet the Project-related (operational) impacts on Swainson's hawk and tricolored blackbird,	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Permittee may, in lieu of providing for both the permanent protection and management of HM lands, purchase the equivalent in Covered Species nesting habitat credits and associated foraging habitat credits as described above, and subject to CDFW approval, from a CDFW-approved mitigation or conservation bank. Purchase of Covered Species credits at a CDFW-approved conservation bank 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 9 below for all uncompleted obligations. If Permittee is unable to purchase credits within allowed timeframe CDFW may require an Amendment to this ITP. If a CDFW-approved conservation bank with Covered Species credits is not available, Permittee shall fulfill the mitigation obligations of this ITP with permanent protection and perpetual management of compensatory habitat through land acquisition. Permanent protection and funding for perpetual management of compensatory habitat for construction and O&M 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 9 below for all uncompleted obligations. Permittee shall also restore on-site 85.96 acres of temporarily and semi-permanently impacted Covered Species habitat pursuant to Condition of Approval 9.6. If any temporary impacts do not meet the criteria identified in ITP Conditions of Approval 6.16 and 6.17, then CDFW shall require compensatory mitigation to offset the additional Project temporal impacts. If Permittee does not complete seeding of temporary impact areas by October 31, unless otherwise approved by CDFW, of the year of the impact, but restores impact areas within 2 years of the impact consistent with Conditions of Approval 6.16 and 6.17, then CDFW shall consider those disturbed areas as semi-permanent, and require compensatory mitigation at a 2:1 ratio (acres of mitigation: acres of impact). If Permittee does not restore areas considered temporarily-disturbed within 2 years, then CDFW shall consider those areas as permanent impacts, and require compensatory mitigation at a 3:1 ratio (acres of mitigation: acres of impact). No take beyond the 119.56 acres of upland/foraging habitat, 0.032 acre of aquatic breeding habitat, 17 tricolored blackbird individuals, 2 Swainson's hawk individuals and one Swainson's hawk nest for the Covered Species authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts. This mitigation requirement will be identified by CDFW in writing and shall be subject to an amendment as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable regulations and law.				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows: Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at $26,000.00/acre for a minimum of 186.76 acres: $4,855,760.00 for construction and maintenance impacts, and a minimum of 100 acres: $2,600,000.00 for operational impacts to tricolored blackbird and Swainson's hawk, for a total of 286.76 acres: $7,455,760.00. Actual land acquisition costs may be lower, since the HM lands for Swainson's hawk and tricolored blackbird habitat may be combined with the California tiger salamander and San Joaquin kit fox grassland habitat if the habitat is suitable for all four Covered Species and approved by CDFW. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; 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 $250,000.00; Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at $35,493.60; Long-term management funding as described in Condition of Approval 9.4 below, estimated at 3,000.00/acre for 286.76 acres: $860,280.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. 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. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6 calculated at $3,500.00/acre for 85.96 acres: $300,860.00.	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	Covered Species Credits. Permittee shall purchase 186.76 acres of Covered Species credits for construction and maintenance and 100 acres of Covered Species credits for operations 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. OR:	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
30	Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The 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 Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);	ITP Condition # 9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
32	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, a formal Proposed Lands for Acquisition Form (see Attachment 4B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. HM lands shall meet the minimum habitat requirements for the Covered Species including, but not limited to one or more aquatic features on-site which have been documented to support successful California tiger salamander breeding in an average or below average rainfall year (abundance and distribution) or adjacent to aquatic features which have been documented to support successful California tiger salamander breeding in an average or below average rainfall year (abundance and distribution) and already conserved and managed to the satisfaction of CDFW for the California tiger salamander; no less than 100 acres of suitable upland or adjacent to suitable upland already conserved and managed for the California tiger salamander;	ITP Condition # 9.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
33	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.	ITP Condition # 9.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	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.	ITP Condition # 9.3.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
35	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://wildlife.ca.gov/Conservation/Planning/Banking/Templates; (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 including construction of a pond and riparian planting; and (7) installing signage; The final management plan shall include: Pond maintenance and monitoring for a pond suitable for Covered Species breeding in non-drought years. Grazing management to be instituted that targets the maintenance of suitable dispersal and upland habitat for the Covered Species. No rodent control will occur unless approved in advance in writing by CDFW.	ITP Condition # 9.3.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	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, pond monitoring, potential remedial measures and costs, amphibian surveys, trespass management, grazing 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.	ITP Condition # 9.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
37	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 8.3.6. 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.	ITP Condition # 9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	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).	ITP Condition # 9.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
39	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.	ITP Condition # 9.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
40	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.	ITP Condition # 9.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
41	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: 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. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding. 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.	ITP Condition # 9.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
42	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.	ITP Condition # 9.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
43	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.	ITP Condition # 9.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	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.	ITP Condition # 9.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
45	Habitat Restoration. Permittee shall restore on-site the 79.96 acres and of Covered Species grassland habitat that will be temporarily disturbed during construction, 0.012 acre of temporary aquatic impacts, and 6.0 acres of Covered Species habitat that will be temporarily disturbed during maintenance. Within two months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the temporary disturbance and shall ensure that the Vegetation Restoration Plan is successfully implemented by the contractor. The Vegetation Restoration Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The Vegetation Restoration Plan shall also indicate the best time of year for seeding to occur.	ITP Condition # 9.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

46	Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: Security Amount. The Security shall be in the amount of $8,902,393.60 or in the amount identified in 8.1 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 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. Security Timeline. The Security shall be provided to CDFW within one year of the effective date of this ITP or no later than 30 days before Covered Activities begin. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. 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. 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: 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. OR 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.	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	DURING CONSTRUCTION and ONGOING MAINTENANCE				
47	Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 6.3	Entire Project	Permittee	
48	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.	ITP Condition # 6.5	Entire Project	Permittee	
49	Additional Impacts to Habitat. No take beyond the permanent loss of 33.6 acres of habitat for the Covered Species and temporary loss of 85.96 acres of habitat for the Covered Species and 0.032 acre of California tiger salamander aquatic breeding habitat is authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts. Permittee shall submit a request for such amendment with supporting information. Permittee may conduct Project construction work not involving ground disturbance such as installing WTGs on constructed concrete pads during the November 1 to April 14 wet season (Condition of Approval 8.17.7). However, if such work during the wet season results in areas previously considered temporarily-disturbed (for example, interior road shoulders) to be restored past October 31 of the year of the impact, then these areas shall be considered semi-permanent or permanent depending on the timing of restoration and achievement of performance standards (Condition of Approval 6.17).	ITP Condition # 6.11	Entire Project	Permittee	
50	Tracking Impacts. Permittee shall track permanent and temporary impacts and notify CDFW if take authorization is likely to be exceeded in the coming month. Permittee shall submit an appropriately revised Project construction schedule (see Condition 6.22) within seven (7) days in order to ensure temporary impacts remain within the temporary impact criteria according to Condition of Approval 6.16. If temporary impact criteria cannot be met, then the Permittee shall apply for an amendment to this ITP to address additional impacts.	ITP Condition # 6.18	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	If Permittee determines that the take authorization for temporary impacts has been exceeded, Permittee shall cease all new construction activities until appropriate take authorization has been provided if so directed in writing by CDFW.	ITP Condition # 6.18.1	Entire Project	Permittee	
52	Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/.	ITP Condition # 6.20	Entire Project	Permittee	
53	Invasive Plant Species Control Plan. Permittee shall prepare an Invasive Plant Species Control Plan (Invasive Plant Plan) to effectively control and monitor invasive plants within Covered Species habitat that will be temporarily disturbed and subsequently restored. The Invasive Plant Plan shall include the results of baseline surveys (see Condition of Approval 5.18). Permittee shall submit the Invasive Plant Plan to CDFW for approval within 30 days prior to the start of restoration activities. The Designated Biologist shall oversee the management of invasives within the Project Area and may use control methods such as hand removal, mechanical removal and/or focused herbicide application within seeding and planting areas following vegetation restoration. The Designated Biologist shall ensure that invasive plant removal does not result in damage to adjacent Covered Species habitat or to root systems of installed plants. Herbicides may be used if hand or mechanical removal of invasives is unsuccessful or infeasible. Herbicides shall not be used within or near aquatic habitat and shall only be applied by an applicator holding a valid license issued by the California Department of Pesticide Regulation.	ITP Condition # 6.21	Entire Project	Permittee	
54	Artificial Lighting. To the maximum extent feasible, Permittee shall ensure that work after sunset is avoided. If night-time work cannot be avoided, it will be limited in extent, duration, and brightness to the maximum extent feasible. No earthmoving activities or overland travel shall take place during night-time work. All night-time work and construction-related traffic shall be suspended during rain events. Lighting shall be faced downward and shall only be used in the immediate workspace. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities.	ITP Condition # 6.24	Entire Project	Permittee	
55	Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and Project site access routes during Covered Activities, except those in the possession of authorized security personnel, fatality monitoring staff as required by Condition of Approval 7.12, or local, State, or federal law enforcement officials.	ITP Condition # 6.25	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
56	Wildfire Prevention. If the Project site is within a high or very high Fire Hazard Severity Zone (refer to https://egis.fire.ca.gov/FHSZ/) or the risk of fire danger is high based on 7-day predictions from National Oceanic and Atmospheric Administration forecasts, Permittee shall mow access pathways, staging areas and work areas before allowing heavy equipment and vehicles to access the site. Non-living vegetative debris shall be cleared from around the immediate work footprint, and basic fire suppression supplies shall be kept on-site at all times. Disking and/or tilling are not permitted for fire prevention without prior written permission from CDFW.	ITP Condition # 6.26	Entire Project	Permittee	
57	Monthly Construction and Maintenance Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly 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. If no covered Activities occur during the O&M period, then a Monthly Compliance Report is not required. Monthly 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 Marcia Grefsrud (Marcia.Grefsrud@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.	ITP Condition # 7.5	Entire Project	Permittee	
58	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 Monthly 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; and (6) information about other Project impacts on the Covered Species.	ITP Condition # 7.6	Entire Project	Permittee	
59	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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit the observation to notification along with GPS coordinates and photographs to CDFW email at Marcia.Grefsrud@wildlife.ca.gov within 24 hours of observation.	ITP Condition # 7.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	Compliance Monitoring. The Designated Biologist shall be on-site, full-time daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall be on-site during rain events to relocate any Covered Species and to ensure exclusion fencing is intact. Daily compliance inspections shall resume if the Designated Biologist or CDFW finds the Permittee is out of compliance with any conditions of this ITP including the failure to maintain the temporary barrier described in Condition of Approval 8.7. 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.	ITP Condition # 7.3, 7.3.1	Entire Project	Permittee	
61	Photo Monitoring. No less than 10 photo monitoring stations shall be established to provide representative views of Project, construction, and restoration activities. Photo monitoring station results shall contribute to the assessment of temporary impacts and restoration work by CDFW; therefore, Permittee should ensure that photo monitoring stations numbers and locations are sufficient to document temporary impacts and restoration success. Photo monitoring shall be done as follows: Stations should be located in areas that allow for unobstructed views and a field of vision of approximately 2,000 feet. At least one photograph shall be taken at all stations prior to ground-breaking activities, and each month thereafter until construction and initial restoration is complete. Photo documentation of restoration success shall occur every three months following initial restoration until restoration success criteria are reached. Photo monitoring station locations shall be provided to CDFW in a geographic format with the coordinate system identified. If CDFW or the Designated Biologist(s) determines that additional monitoring stations are necessary, the locations shall be added to the inventory of photo monitoring stations. During each photo monitoring cycle, all stations shall be visited within two days.	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	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.	ITP Condition # 6.8	Entire Project	Permittee	
63	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.	ITP Condition # 6.12	Entire Project	Permittee	
64	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 6.12 of this ITP.	ITP Condition # 6.13	Entire Project	Permittee	
65	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.	ITP Condition # 6.14	Entire Project	Permittee	
66	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.	ITP Condition # 6.15	Entire Project	Permittee	
	Species Specific				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
67	Notification of Observation, Take or Injury. Permittee shall notify the Designated Biologist by the end of the business day if a Covered Species is observed within the Project Area or 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. Covered bird species observations (other than take or injury) must only be reported pursuant to this condition if an active nest is observed The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 482-2002 and the CDFW Representative at (707) 644-2812 or email at Marcia.Grefsrud@wildlife.ca.gov by the end of the business day. The initial notification to CDFW shall include information regarding the location, species, and number of animals observed, taken or injured and the ITP Number. If the take or injury is a result of Covered Activities then following initial notification, Permittee shall send CDFW a written report within two calendar days of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs and maps of the location and the Covered Species, explanation as to cause of take or injury, and any other pertinent information. If a California tiger salamander is found recently deceased, a ½- inch portion of the tail tip shall be removed and placed in a labeled tissue tube with 95 percent ethanol. The remaining carcass, if salvageable, shall be immediately bagged, labeled, and preserved in a freezer. The labels shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. Tail specimens shall be delivered to: CDFW Bay Delta Region, Attention: Marcia Grefsrud, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 The remaining carcasses shall be delivered to the following address within two calendar days of the discovery: CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 Tricolored blackbird. If an unidentified deceased blackbird is found, a toe or foot shall be removed, labeled and preserved in a collection kit for genetic analysis (Condition of Approval 8.30). The remaining carcass shall be immediately labeled and preserved in a separate collection kit. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. Foot or toe specimens shall be delivered to: CDFW Forensics Lab, Law Enforcement Division, Attention: Ashley Spicer, 1415 N Market Boulevard, Suite 3, Sacramento, CA 95834 The remaining carcasses shall be delivered to the following address within two calendar days of the discovery: U.S. Geological Survey, Forest & Rangeland Ecosystem Science Center, Attention: Dr. Todd Katzner, 970 Lusk Street, Boise, ID 83706 Permittee shall bear any costs associated with the genetic analysis.	ITP Condition # 7.11, 7.11.1, 7.11.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	Inspection of Pipes and Culverts. All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored in the Project Area for one or more overnight periods shall be either securely capped prior to storage or thoroughly inspected by the Designated Biologist(s) and/or the construction foreman/manager for the Covered Species or other animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a California tiger salamander is found, it may be relocated as described in Condition of Approval 8.5 and 8.6. If a San Joaquin kit fox is found, it shall not be handled, but shall be allowed to passively move away from the work area (see Condition of Approval 8.21).	ITP Condition # 8.1	Entire Project	Permittee	
69	Inspection of Reclaimed Pads Prior to Removal. To-be-reclaimed turbine pad areas shall be inspected by the Designated Biologist no more than two weeks prior to removal of the pad to determine the presence and extent of any burrow complexes. Survey results, including photographs of burrow complexes, shall be provided to CDFW at least one week prior to initiation of reclamation of the pads. If burrow complexes are found around one of these turbine pads, Permittee shall consult with the CDFW Regional Representative before conducting removal and reclamation activities. Importation of fill and re-contouring activities are subject to CDFW approval if burrow complexes are present.	ITP Condition # 8.2	Entire Project	Permittee	
70	Excavation of Refuge Habitat. All excavation of potential refuge features, including small-mammal burrows, individual rocks and rock piles, and other accessible features with an entrance diameter of greater than or equal to 2 inches, as well as gopher digging piles and mounds, shall be carried out by hand by the Designated Biologist. Tool use for excavation shall be limited to a hand trowel or garden spade. Burrows shall be excavated to the terminus of each branch or until the burrow diameter is less than 1 inch.	ITP Condition # 8.2.1	Entire Project	Permittee	
71	Use of Rodenticide and Poison. At no time during the life of the Project shall rodenticides or other poisons used in the control of burrowing animals be used by Permittee in the Project Area or within mitigation lands.	ITP Condition # 8.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
72	Covered Species (California tiger salamander) Handling and Injury. California tiger salamander shall be handled and assessed according to the Restraint and Handling of Live Amphibians USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001) (Attachment 2). If an injured California tiger salamander is found during the Project term, the individual shall be evaluated by the Designated Biologist who shall then immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the injured California tiger salamander shall be placed in a shaded container and kept moist. If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts then the following steps shall be taken by the Designated Biologist: If the injury is minor or healing and the California tiger salamander is likely to survive, the California tiger salamander shall be released immediately in accordance with the Condition of Approval 8.5 and 8.6. If it is determined that the California tiger salamander has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to the Lindsay Wildlife Experience or another CDFW approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by the CDFW and U.S. Fish and Wildlife Service. Permittee shall bear any costs associated with the care or treatment of such injured California tiger salamander. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.10.	ITP Condition # 8.4, 8.4.1, 8.4.2	Entire Project	Permittee	
73	California Tiger Salamander Relocation. The Designated Biologist shall relocate any California tiger salamander found within the Project Area to be impacted to an active rodent burrow system located no more than 300 feet outside of the Project Area unless otherwise approved by CDFW in writing. The Designated Biologist shall document both the capture and relocation areas by photographs and GPS positions. Covered Species shall be photographed and measured (snout-vent) for identification purposes prior to relocation. All documentation shall be provided to the CDFW within 24 hours of California tiger salamander relocation.	ITP Condition # 8.5	Entire Project	Permittee	
74	California Tiger Salamander Relocation Plan. The Designated Biologist(s) shall prepare a Covered Species Relocation Plan (Relocation Plan). The Relocation and Handling Plan shall include, but not be limited to, an identification of the survey and hand excavation, capture, handling, and relocation methods; and identification of where the individuals will be relocated to and how they will be transported. Relocation areas shall be identified by the Designated Biologist based upon best suitable habitat available and time of year and approved by CDFW prior to the start of Covered Activities. The Relocation Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s) are authorized to capture and handle the California tiger salamander.	ITP Condition # 8.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
75	Exclusion Fencing Near Aquatic Features. To prevent the California tiger salamander from entering the construction area, exclusion fencing or drift-fence with associated pitfall traps and coverboards shall be constructed in strategic locations and in and around all work areas within 500 feet of all aquatic features. The barrier shall be designed to allow the Covered Species to leave the Project Area using a one-way funnel or other method approved by CDFW. Permittee shall coordinate with CDFW and USFWS on a fencing plan and shall submit the design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities. Exclusion fencing shall be installed prior to the start of Covered Activities and shall be placed within 10 feet of the edge of work areas or other appropriate distance in consultation with, and approved by, CDFW and USFWS. Permittee shall maintain the barrier throughout all construction activities. The Designated Biologist shall inspect the area prior to installation. The interior and exterior of the exclusion fencing shall be inspected by the Designated Biologist at least once daily before 0900 each day to ensure that no California tiger salamanders are trapped against the fencing, where they could desiccate or be predated upon. If the fence barrier is left in place from November 1 to June 15, the Designated Biologist shall also inspect the fence daily before 0900 each day. Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects. The barrier shall remain in place until the Permittee completes all Covered Activities and all construction equipment has been removed from the site. The Designated Biologist shall relocate any California tiger salamander found along the fence. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. Permittee shall also ensure that silt fencing and/or other erosion control methods are used to prevent sediment or other debris from passing into California tiger salamander aquatic habitat that is within 500 feet of Project construction activities.	ITP Condition # 8.7	Entire Project	Permittee	
76	California Tiger Salamander Barrier Monitoring and Surveys. The Designated Biologist or other trained staff during periods when no Covered Activities occur, shall inspect all of the temporary barriers each morning. The barriers shall be monitored until all ground disturbing activities are completed. Any California tiger salamander found along the barrier shall be relocated in accordance with Condition of Approval 8.5 and 8.6. Refuge opportunities shall be provided along or near both sides of the barrier. The Designated Biologist shall survey the Project Area for the California tiger salamander during and after all evening/nighttime storm events occurring prior completion of grading and scraping. Survey methodology shall be provided to CDFW for approval prior to conducting surveys.	ITP Condition # 8.8	Entire Project	Permittee	
77	Delineation of Burrow Complexes. The Designated Biologist shall clearly delineate all potential burrows within the pre-construction survey area (see Conditions of Approval 8.10 and 8.14) and within 100 feet of the Project footprint with posted signs, posting stakes, flags, and/or rope or cord. Signs, stakes, flags, and/or rope shall be clearly distinguishable from markings used to delineate work areas.	ITP Condition # 8.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
78	Pre-Construction Burrow Identification. The Designated Biologist shall mark all burrows in undeveloped grassland habitat within 10 feet of new roads, electrical collection lines, or turbine pads with flagging no-less-than five days prior to earthmoving activities in those areas. All burrows shall be avoided to the maximum extent practicable during earthmoving activities.	ITP Condition # 8.10	Entire Project	Permittee	
79	Barriers to Movement. Permittee shall construct roadways that are within 1.3 miles of known or potential California tiger salamander breeding sites such that there are no steep curbs, berms, or straw wattles that could prevent California tiger salamander from crossing or exiting the roadway. If curbs/berms/straw wattles are necessary for safety and/or surface runoff, Permittee shall design and construct them to allow California tiger salamander to walk over them. If steep curbs are required, Permittee shall design and construct them to include over-side drains or curb breaks spaced at intervals of 16.4 feet to 32.8 feet to allow California tiger salamander passage.	ITP Condition # 8.11	Entire Project	Permittee	
80	Open Trenches and Keyways. To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist shall check all excavated open holes, sumps, trenches, and keyways for California tiger salamander no later than 0900 each day for trapped animals. If a California tiger salamander is trapped in these features, the Designated Biologist shall remove and relocate the animal(s) to a safe location within suitable habitat (see Condition of Approval 8.6 and 8.7) prior to the start of work activities at that site. At the close of each working day, the Designated Biologist shall ensure all excavated, steep-walled holes or trenches more than 6 inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks with a slope of 3:1 (run: rise). Before Permittee fills trenches or holes, the Designated Biologist shall thoroughly inspect them for trapped California tiger salamander. If a California tiger salamander is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the individual as required by Condition of Approval 8.5 and 8.6. If the open holes, sumps, trenches or excavations cannot be covered then a temporary barrier shall be installed around any trenches, holes, sumps, or other excavations to prevent California tiger salamander from becoming trapped. Refuge opportunities, such as coverboards (2-foot x 3-foot plywood) or straw wattles shall be provided on the outside perimeter of the barrier.	ITP Condition # 8.12, 8.12.1	Entire Project	Permittee	
81	Augering and Excavation. The Designated Biologist shall inspect all augering and excavation soils material for California tiger salamander. The Permittee shall ensure auger bits are cleaned by shaking the soil loose and not cleaned by spinning. The Permittee shall ensure excavation is coordinated with the Designated Biologist to allow sufficient time to survey the excavated soil.	ITP Condition # 8.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
82	Pre-Activity Surveys. The Designated Biologist shall inspect all ruts and holes near root structures, etc. for California tiger salamander immediately prior to and during excavation or removal. A Designated biologist shall survey the open areas adjacent to ongoing construction. Multiple biologists may be necessary to survey the area appropriately. If a California tiger salamander is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the animal to a safe nearby location (e.g., mouth of ground-squirrel burrow outside of the temporary barrier) per Condition of Approval 7.2 and monitor it until it is determined that it is not imperiled by predators or other dangers.	ITP Condition # 8.14	Entire Project	Permittee	
83	Time of Day Work Restriction. Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise during the Covered Species migration/active season from November 1 to June 15. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.	ITP Condition # 8.15	Entire Project	Permittee	
84	Seasonal Work Window. Permittee shall limit ground-disturbing Covered Activities involving construction and heavy equipment use (such as excavation, road construction, grading, trenching, contouring and culvert installation) to the following time periods (“seasonal work windows”) until the expiration of this ITP: Upland Habitat: Between April 15 and October 31 (Dry Season); Aquatic Habitat: Between June 15 and October 31. Covered Activities may begin prior to June 15 if the stream in which work will occur has been dry for a minimum of 30 days prior to initiating work.	ITP Condition # 8.16, 8.16.1, 8.16.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
85	Seasonal Work Window Extension. Permittee shall adhere to the seasonal work windows required in Condition of Approval 8.16 unless an expanded work window is approved by CDFW's Regional Representative. Permittee shall submit any requests for extensions at least 14 days prior to the desired date of construction or 14 days prior to the expiration of the seasonal work window. Any work for WTG installation conducted during the wet season shall be limited to construction work not involving ground disturbance and vehicles using completed main and interior gravel roads to gain access to the turbine pads. If such work during the wet season results in areas previously considered temporarily-disturbed (for example, crane pads) to be restored past December 15 of the year of the impact, then these areas shall be considered semi-permanent or permanent depending on the timing of restoration and achievement of performance standards (see Conditions of Approval 6.16 and 6.17) and an amendment to the ITP may be required. If work is approved by CDFW outside of the seasonal work windows required in Condition of Approval 8.6, the following conditions shall apply: Turbine pad area or any other work site located within 0.5 miles of Covered Species aquatic habitat, including where equipment will be stored overnight, shall be completely fenced with wildlife exclusion fencing. All construction work shall take place within the fenced area. Installation of exclusion fencing does not apply to graveled or well-traveled roads. All work and vehicle travel shall be limited to the daylight hours from 30 minutes after sunrise until 30 minutes before sunset, to the maximum extent feasible. Permittee shall provide notification to CDFW at least 24 hours prior to conducting night-time activities. All steep-walled holes or trenches more than 6 inches deep shall be covered overnight with boards or metal plates placed flush to the ground. Erosion control such as straw wattles or silt fencing shall not be placed where they create a barrier to Covered Species movement between upland and aquatic habitat.	ITP Condition # 8.17, 8.17.1, 8.17.2, 8.17.3, 8.17.4	Entire Project	Permittee	
86	Wet Season Work Restriction. Covered Activities involving ground disturbing and heavy equipment use (such as excavation, grading, and contouring) during the wet season (November 1 to April 30) shall be subject to approval of CDFW. If approved by CDFW, Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the Project Area. Covered Activities involving ground disturbing activities and heavy equipment use shall cease 24 hours prior to a 40 percent or greater forecast of rain. Covered Activities may continue 24 hours after the rain ceases and there is less than a 40 percent change of precipitation in the 24-hour forecast. If CDFW approves wet season work, a Designated Biologist(s) shall survey the Project site EACH day rain is forecast and the morning after all storm events. If rain exceeds 0.25 inches during a 24-hour period, work shall cease until there is a less than a 40 percent change of precipitation in the 24-hour forecast.	ITP Condition # 8.18, 8.18.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
87	Notification of Non-Native Tiger Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a non-native barred tiger salamander (Ambystoma tigrinum mavortium) or Covered Species hybrid is found or suspected within the Project Area within 24 hours by calling CDFW's Regional Representative. The Designated Biologist shall not release any non-native or hybrid salamanders back to the wild until directed to do so by CDFW. The Designated Biologist shall follow the Covered Species Handling and Injury measures outlined in this ITP (see Condition of Approval 8.5).	ITP Condition # 8.19	Entire Project	Permittee	
88	Invasive Species. Any bullfrogs (Lithobates catesbeianus) encountered during construction or monitoring shall be permanently removed from the wild. Pursuant to Fish and Game Code, section 6854, it is unlawful to take bullfrogs using firearms of any caliber or type. CDFW may issue a permit to take and dispose of frogs under such limitations as the commission may prescribe (Fish and Game Code, § 6854). Permittee may not introduce predatory fishes (including but not limited to largemouth bass, redear sunfish, bluegill, catfish, mosquitofish, and fathead minnows) or amphibians (including but not limited to bullfrogs, barred tiger salamanders, and Arizona tiger salamanders).	ITP Condition # 8.20	Entire Project	Permittee	
89	Standard Protective Guidance for San Joaquin Kit Fox. At no time shall Permittee or its representatives capture, pursue, or otherwise attempt to handle a San Joaquin kit fox. Permittee shall follow USFWS' Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011).	ITP Condition # 8.21	Entire Project	Permittee	
90	Pre-Construction Surveys, San Joaquin Kit Fox. Within 15 days prior to any habitat modification, the Designated Biologist shall conduct transect surveys to detect potential San Joaquin kit fox dens. The Designated Biologist shall conduct walking transects such that 100 percent visual coverage of the Project Area is achieved. Transect width shall be adjusted based on vegetation height, topography, etc., to facilitate the detection of dens and other sign. Walking transect surveys shall be used to detect and map known dens, potential dens, and sign (tracks, scat, prey remains). Detection dogs may be used if practicable. Potential San Joaquin kit fox scat shall be collected and labeled based on mapped location. Potential dens shall be considered to be any subterranean hole on the site that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a San Joaquin kit fox.	ITP Condition # 8.22	Entire Project	Permittee	
91	Construction Buffers for San Joaquin Kit Fox Dens. If a potential San Joaquin kit fox den is discovered, or a fox is found in an "atypical" den such as a pipe or culvert, Permittee or Designated Biologist shall establish a 50-foot buffer using flagging. If a known kit fox den (one that shows evidence of current use or is known to have been used in the past) is discovered, a buffer of at least 100 feet shall be established using fencing. If a natal den is discovered, it shall be fenced and avoided in a buffer with a diameter of at least 200 feet. Permittee or Designated Biologist shall notify USFWS and CDFW for all of the above except potential kit fox dens. Buffer zones shall be considered environmentally sensitive areas, and entry shall be restricted.	ITP Condition # 8.23	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
92	Protection of San Joaquin Kit Fox Natal Dens. Permittee shall not excavate natal dens for San Joaquin kit fox until the pups and adults have vacated and only after receiving written permission from USFWS and CDFW. Permittee may destroy known dens only after three days of monitoring with tracking medium or an infra-red camera has determined that a San Joaquin kit fox is not present.	ITP Condition # 8.24	Entire Project	Permittee	
93	Destruction/Collapse of Potential San Joaquin Kit Fox Dens. Destruction of any potential San Joaquin kit fox dens shall be accomplished by the Designated Biologist by careful excavation until it is certain that no San Joaquin kit foxes are inside. The den should be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit foxes cannot re-enter or use the den during the construction period. If at any point during excavation a San Joaquin kit fox or kit fox signs is discovered inside the den, excavation shall cease immediately and monitoring of the den as described in ITP Condition of Approval 8.24 shall be resumed. Destruction of the den shall only be completed when, in the judgment of the Designated Biologist, the animal has escaped from or otherwise vacated the partially destroyed den.	ITP Condition # 8.25	Entire Project	Permittee	
94	Tricolored Blackbird Nesting Pre-Construction Surveys. If pre-construction Covered Activities will occur during the tricolored blackbird nesting season (March 1 through August 15) no more than thirty (30) days prior to Covered Activities commencing, including staging, clearing and grubbing, the Designated Biologist shall survey a sufficient area but no less than 0.25 miles from Covered Activities to identify any tricolored blackbird nests or colonies that are present and determine their status. 'Sufficient' in the context of this condition means any nest within an area that could potentially be affected by the Project. The Designated Biologist shall report any active tricolored blackbird nesting colonies to the CDFW representative within 24 hours.	ITP Condition #8.26	Entire Project	Permittee	
95	Tricolored Blackbird Nest Protection Buffer. The Permittee shall establish an appropriate protective buffer of at least 0.10 mile during Project construction-related Covered Activities. The Designated Biologist may expand or reduce the buffer, in consultation with CDFW, if deemed necessary based on specific site conditions, or in instances there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance between the Covered Activities and the active nest colony. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, Designated Biologist may increase the buffer zone to prevent disturbance at the active nesting colony from construction-related Covered Activities.	ITP Condition # 8.27	Entire Project	Permittee	
96	The Designated Biologist shall monitor any identified active tricolored blackbird nests for the first two days prior to any construction-related Covered Activities to establish a behavioral baseline of the adults and any nestlings. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment.	ITP Condition # 8.27.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
97	The Designated Biologist shall monitor the behavior of any active tricolored blackbird nest sites within the buffer area at all times during construction-related Covered Activities, and shall have authority to order the cessation of all construction work if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Covered Activities within line of sight of the nest shall not resume until the Designated Biologist has consulted with CDFW and both the Designated Biologist and CDFW confirm that the bird's behavior has normalized or the young have fledged and are foraging independently. If the Designated Biologist continues to detect signs of disturbance or behavioral changes, the buffer shall be increased. If the Designated Biologist determines that the colony is still at risk, the Designated Biologist shall notify the CDFW representative and a meeting with the Permittee and CDFW shall be held to determine the best course of action to avoid nest abandonment or take of individuals.	ITP Condition # 8.27.2	Entire Project	Permittee	
98	Swainson's hawk Nest Survey Methodology. The CDFW-approved Designated Biologist, experienced in Swainson's hawk identification and behavior shall conduct Swainson's hawk pre-construction and post-construction annual nesting surveys according to the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000) in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys for the California Central Valley, and available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline. At least one of these surveys will occur no more than thirty (30) days prior to Covered Activities commencing, including staging, clearing and grubbing, the Designated Biologist shall survey a sufficient area but no less than 0.5 mile from the Project Area boundary to identify any Swainson's hawk nests that are present and determine their status. 'Sufficient' in the context of this condition means any nest within an area that could potentially be affected by the Project. The Designated Biologist shall report any active Swainson's hawk nest sites to the CDFW representative within 24 hours. Post-construction annual surveys shall also be conducted according to the guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys for the California Central Valley, with modified effort to one survey per survey period (Periods II, III, and V).	ITP Condition # 8.31	Entire Project	Permittee	
99	Swainson's hawk Nest Protection Buffer. If an active nest is identified within the survey area, the Permittee shall establish an appropriate protective buffer of at least 0.5 mile from the active Swainson's hawk nest to prevent disturbance at the active nest from construction-related Covered Activities.	ITP Condition # 8.32	Entire Project	Permittee	
100	The Designated Biologist shall monitor all identified active Swainson's hawk nests for the first two days prior to any construction-related Covered Activities to establish a behavioral baseline of the adults and any nestlings. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. Even within species, disturbance distances can vary according to time of year or geographical location.	ITP Condition # 8.32.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
101	The Designated Biologist shall monitor the behavior of any active Swainson's hawk nest within the buffer area at all times during construction-related Covered Activities, and shall have authority to order the cessation of all construction work if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Covered Activities within line of sight of the nest shall not resume until the Designated Biologist has consulted with CDFW and both the Designated Biologist and CDFW confirm that the bird's behavior has normalized or the young have fledged and are foraging independently. If the Designated Biologist continues to detect signs of disturbance or behavioral changes the buffer shall be increased. If the Designated Biologist determines that the active nest is still at risk, the Designated Biologist shall notify the CDFW representative and a meeting with the Permittee and CDFW shall be held to determine the best course of action to avoid nest abandonment or take of individuals.	ITP Condition # 8.32.2	Entire Project	Permittee	
	POST-CONSTRUCTION and OPERATIONS/MAINTENANCE				
102	Temporary Impact Criteria. The Permittee must meet the following criteria to be considered a temporary impact: (1) recontouring and seeding of each temporary impact area shall occur by October 31 of the year of the impact, and no additional ground disturbing activities shall occur; (2) if the impact area is within 1,000 feet of an aquatic feature, all work shall be completed within this area and exclusion fencing shall be removed by October 31 of the same calendar year, allowing the Covered Species unrestricted access between upland and aquatic habitat; and (3) temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (see ITP Condition of Approval 6.17).	ITP Condition # 6.16	Post-Construction	Permittee	
103	Final Construction Phase Report. No later than 45 days after completion of all initial construction activities, including all required monitoring, Permittee shall provide CDFW with a Final Construction Phase Report. The Designated Biologist shall prepare the Final Construction Phase Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs during the construction phase; (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 during construction; (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.	ITP Condition # 7.8	Post-Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
104	Tricolored Blackbird Post-Construction Nest Surveys. If turbines are operational during the tricolored blackbird nesting season (March 1 through August 15), the Designated Biologist shall conduct surveys of suitable and potential nesting habitat, as determined by a Designated Biologist with expertise in tricolored blackbirds, within 0.5 mile of the nearest turbine to detect active colonies within or near the Project Area. The Designated Biologist shall conduct these surveys once every 7 days from March 1 to June 30 (for late nesters) each year of operations for the term of the ITP. Bioacoustic monitoring may replace field surveys if overseen by a Designated Biologist and efficacy of the monitoring is equivalent as determined by independent research and approved by CDFW. These surveys will inform bird collision risk and curtailment requirements (see ITP Condition of Approval 8.29).	ITP Condition # 8.28	Post-Construction	Permittee	
105	Curtailment for Tricolored Blackbird. During operations, Permittee shall curtail and feather blades to prevent the turbine from turning, during daylight and crepuscular hours, all turbines within 0.5 mile of known active tricolored blackbird nesting colonies during the breeding season (March 1 through August 15) or until such time that young have fledged and are foraging independently, or the colony has been vacated for the season as determined by the Designated Biologist, and with prior notification and approval by CDFW. The Designated Biologist shall monitor each active tricolored blackbird colony within the 0.5-mile buffer area on a monthly basis or more frequently as determined by the Permittee, until young have fledged and are foraging independently, or the colony is deemed to be abandoned. If monitoring indicates that tricolored blackbirds are not using the operating facility for foraging, through observations of flight lines away from the facility and absence of tricolored blackbird within the Project Area, Permittee may request modification to the curtailment approach to CDFW for written approval. If curtailment is determined to be ineffective or alternative measures are developed to minimize take without/by replacing this daytime curtailment, the Permittee may submit modification requests to CDFW for review and written approval.	ITP Condition # 8.29	Post-Construction Operations	Permittee	
106	Tricolored Blackbird Genetic Testing. If blackbirds of unknown species are detected during terrain carcass surveys (refer to ITP Condition of Approval 7.12), in order to more accurately inform take limits of tricolored blackbird, Permittee shall submit blackbird remains to an accredited facility approved by CDFW for genetic testing and species identification. (See also Condition of Approval 7.11.2.)	ITP Condition # 8.30	Post-Construction Operations	Permittee	
107	Swainson's hawk Post-construction Nest Surveys. If turbines are operational during the Swainson's hawk nesting season (March 1 through August 31), the Designated Biologist shall conduct surveys within 1 mile of the nearest turbine to detect active Swainson's hawk nests within or near the Project Area. The Designated Biologist shall conduct these surveys each year of operations for the term of the ITP following the nest survey methodology in ITP Condition of Approval 8.31. These surveys will inform bird collision risk and curtailment requirements (see ITP Condition of Approval 8.34).	ITP Condition # 8.33	Post-Construction Operations	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
108	Curtailment for Swainson's hawk. During operations, Permittee shall curtail, during daylight and crepuscular hours, all turbines that are located within 1 mile of active Swainson's hawk nests during the nesting and migration seasons (March 1 to September 15 or until Swainson's hawk are no longer detected in the vicinity of the Project Area). The Designated Biologist shall monitor each active Swainson's hawk nest within the one-mile buffer area until young have fledged and are foraging independently, or the nest is deemed to be abandoned.	ITP Condition # 8.34	Post-Construction Operations	Permittee	
109	Final O&M Phase Report. No later than 45 days after completion of all O&M activities and after turbines are no longer operational, Permittee shall provide CDFW with a Final O&M Phase Report. The Designated Biologist shall prepare the Final O & M Phase Report which shall include, at a minimum: (1) a summary of any Monthly Compliance Reports and all ASRs during the O & M phase; (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.	ITP Condition # 7.9	Post-Construction Operations	Permittee	
110	Final Mitigation Report. No later than 45 days after completion of all mitigation measures, including all required monitoring for the term of the ITP, 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 Monthly 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.	ITP Condition # 7.10	Post-Construction Operations	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
111	Avian Fatality Monitoring and Reporting. Permittee shall submit a tricolored blackbird fatality monitoring survey methodology to CDFW for review and approval no less than 180 days prior to Project Commercial Operation Date (COD) and shall at a minimum include the details required under this Condition of Approval or propose alternative options to be approved by CDFW. Because scientific advances should be incorporated where appropriate, modifications to the methodology may be submitted to CDFW for written approval. Searches, using CDFW-approved search dogs and Designated Biologists shall be conducted annually surrounding each turbine at least every 7 days from March 1 to October 31 during operations. These searches shall be conducted for at least the first three years after the start of operations and continue at for three consecutive years starting on year 10 after the COD (for example, survey on years 2035-2037 and 2045-2047 for the duration of the ITP. After receipt of first three years of avian monitoring data and reporting, CDFW will review the information and assess whether a longer search interval (e.g., 14 days) or other changes in monitoring frequency (across years, seasonal duration) can be applied to reduce survey effort without negatively affecting utility of dataset for accurate quantification of take. Monitoring reports shall be submitted to CDFW within 60 days (i.e., December 31) after completion of monitoring each year that monitoring occurs.	ITP Condition # 7.12	Post-Construction Operations	Permittee	
112	Turbine Searches. The Designated Biologist shall search the terrain within at least a 350- foot radius around each turbine and/or two-thirds of turbine height (tip of blade), or within a statistically-defensible radius around each turbine (Turbine Search Area) to be specified for CDFW approval in the methodology submittal required under Condition of Approval 7.12 for any Swainson's hawk or tricolored blackbird carcasses and/or parts of carcasses such as feathers and bones. During each search, a complete monitoring datasheet shall be filled out with the annotated search area map (Condition of Approval 7.12.3). Turbine searches shall not occur during dense fog or heavy rain. If the search is delayed because of dense fog or heavy rain, the Designated Biologist shall take photos of the field site and/or a printout of the day's weather conditions at the Project site, from the National Ocean and Atmospheric Administration (NOAA) weather website. This weather report shall be submitted in the MMRP and turbine searches shall continue as soon as weather permits, maintaining the initial search interval as closely as possible. Searches shall begin and end during daylight hours. CDFW may augment the Turbine Search Area if it is found to be inadequate to capture instances of take (i.e., due to variations in topography, turbine height, predominant wind directions, etc.).	ITP Condition # 7.12.1	Post-Construction Operations	Permittee	
113	Turbine Search Area Transects. The Turbine Search Area will be searched following transects adequate to cover the entirety of the radius specified in Condition of Approval 7.12.1. Actual transect spacing will be determined based upon the scent detection dogs' training and terrain/vegetation status. If there are obstacles, the Designated Biologist shall determine the most feasible way of searching the site with CDFW written approval.	ITP Condition # 7.12.2	Post-Construction Operations	Permittee	
114	Search Area Map. An aerial-based map for each turbine search is required annually indicating the proposed transects locations, the turbine location, and woody vegetation within and adjacent to the search area. The format of the map shall be approved in writing by CDFW.	ITP Condition # 7.12.3	Post-Construction Operations	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
115	Carcass Detection. The Designated Biologist shall document all mortalities by completely filling out the approved monitoring datasheet (Condition of Approval 7.12.5). All carcasses with at least 5 bones and 5 tail feathers, or 2 primaries, or a total of 10 feathers within at least 5 meters (16 feet) of each other, shall be considered a turbine-related fatality. All detections that do not meet these criteria shall be noted on the monitoring datasheet. If a carcass is difficult to reach location (e.g., pond or wetland, etc.), the Designated Biologists shall use a long pole/net to retrieve the carcass for further data collection.	ITP Condition # 7.12.4	Post-Construction Operations	Permittee	
116	Monitoring Datasheet. The Designated Biologist shall completely fill out all applicable fields of the monitoring datasheets and include the search area map (Condition of Approval 7.12.3) during each search event, even when there are no carcass detections.	ITP Condition # 7.12.5	Post-Construction Operations	Permittee	
117	Incidental Carcass Find. Fatalities of suspected or known Covered Species incidentally found outside the turbine search area shall be documented and collected in the same manner as fatalities found during turbine searches, but shall be identified as incidental on the monitoring datasheet. All fatalities found during operations of the Project that are reasonably suspected to be a Covered Species shall be verified by the Designated Biologists and reported in accordance with this ITP.	ITP Condition # 7.12.6	Post-Construction Operations	Permittee	
118	Incidental Take of Covered Species (Avian). No take beyond 17 tricolored blackbirds and 2 Swainson's hawks and one Swainson's hawk nest is authorized by this ITP. Permittee shall track incidental take of tricolored blackbird and Swainson's hawk and notify CDFW immediately if take limits authorized by this ITP are likely to be exceeded in the coming month(s). Permittee shall apply for an Amendment within 30 days of this determination in order to address additional impacts.	ITP Condition # 7.12.7	Post-Construction Operations	Permittee	
119	Statistical Analysis (Tricolored Blackbird and Swainson's hawk). Permittee shall provide evidence that the take limits have not been exceeded by using "Evidence of Absence" (EoA) software (http://www.usgs.gov/node/279290) or other CDFW-approved statistical model to estimate the number of fatalities when few or even zero carcasses are found during the fatality monitoring described in Condition of Approval 7.12. EoA or equivalent shall be conducted annually, after the monitoring year, and shall be submitted to CDFW for review within 60 days of completing each monitoring year (i.e., December 31, per Condition of Approval 7.12). Use of GenEST and integrated searcher efficiency and carcass persistence trials may be substituted for the EoA statistical analysis, when appropriate and if approved by CDFW.	ITP Condition # 7.12.8	Post-Construction Operations	Permittee	
120	Exceedance of Take (Tricolored Blackbird and Swainson's hawk). If the statistical analysis shows the take limits may be exceeded prior to the ITP term limits, the Permittee shall apply for an Amendment (and Extension if necessary), within 30 days of this determination to address additional impacts.	ITP Condition # 7.12.9	Post-Construction Operations	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
121	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.	ITP Condition # 6.27	Post-Construction Operations	Permittee	
122	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.10	Post-Construction Operations	CDFW	

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

Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

Date 06.10.2021

EACH RESUME MUST BE SUBMITTED AS A SEPARATE FILE

Number of Resumes Included in Transmittal: _____

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

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

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

Department of Fish and Wildlife

BIOLOGIST RESUME FORM

Date 06.10.2021

SECTION 1. NAME AND CONTACT INFORMATION

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

SECTION 2. EDUCATION

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

SECTION 3. ROLE(S) AND PERMIT REQUIREMENTS

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

SECTION 4. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

LSA Agreement/ITP Special Status Species & Other Sensitive Resources

This section summarizes experience for species and other resource. Use one line for: 1) each species or other resource where surveys or special protections are required in the LSA Agreement/ITP for which the biologist is requesting approval.[3] If more space is needed, add rows to this table. Provide details in Section 5.

Species or Resource	**Number of Field Seasons & Hours, Life Stages Observed** *Provide project details in Section 5*	**Life History Knowledge** *Describe formal workshops & training with dates, or informal training details*	**CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities** *This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements*	
Insert Species or Resource 1	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 4	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:

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

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

SECTION 5. SPECIES AND RESOURCE EXPERIENCE – DETAILS

This section provides detailed experience from the three most recent and relevant projects for each species and resource identified in Section 4. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).			
Insert Species or Resource 1			
Project 1 Name & Location:		**Project Start & End Dates:**	
LSA Agreement, ITP, or Other Agency Permit Number:		**Role(s)[4]:**	
Survey Type(s)[5]:		**Construction Monitoring[6]:**	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDB[7] (Y/N):	**Company Name, Professional Reference Name, Phone, Email:**	
If not reported to CNDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		**Project Start & End Dates:**	
LSA Agreement, ITP, or Other Agency Permit Number:		**Role(s):**	
Survey Type(s):		**Construction Monitoring:**	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDB (Y/N):	**Company Name, Professional Reference Name, Phone, Email:**	
If not reported to CNDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		**Project Start & End Dates:**	
LSA Agreement, ITP, or Other Agency Permit Number:		**Role(s):**	
Survey Type(s):		**Construction Monitoring:**	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDB (Y/N):	**Company Name, Professional Reference Name, Phone, Email:**	
If not reported to CNDDB, why:			

[4] Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."
[5] For example, pre-construction survey or description of the protocol or guideline followed.
[6] Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).
[7] CNDDB is the abbreviation for California Natural Diversity Database.

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

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

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

Attachment

http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp

Restraint and Handling of Live Amphibians

STANDARD OPERATING PROCEDURE
ARMI SOP No. 100
Revised, 16 February 2001

I. PURPOSE: Provide guidelines for humane handling of amphibians so that injury and distress to the amphibian are minimized.

II. SCOPE: These guidelines apply to larvae and tadpoles, as well as adult frogs, toads, salamanders and neotenes. Because of their anatomically different and very delicate skin, tadpoles and larvae must be handled differently than post-metamorphic amphibians.

III. EQUIPMENT and SUPPLIES.

A. Standard capture equipment (seine nets, dip nets, minnow traps)

B. Clear plastic bags (half liter or full liter size)

IV. BACKGROUND: There are three main hazards associated with handling live amphibians: two to the amphibian and one to the handler. To amphibians, the main dangers of being handled are skin damage that could result in secondary skin infections, and bone and muscle injuries caused by struggling when being held. For the handler, the main danger comes from toxic skin secretions produced by some amphibians (in the USA, this is mostly newts and the introduced giant/marine toad). Tadpoles and larvae have thin delicate skin that is very easily damaged by the slightest handling. The skin of larvae lacks keratin and has fewer cell layers than adult amphibian skin. Therefore, direct contact handling of tadpoles and larvae is to be avoided; instead, these amphibian stages are examined through clear flexible plastic bags containing water. Although the skin of adult (post-metamorphic) amphibians has keratin and is less delicate than larval skin, their skin is still much more delicate than the skin of reptiles, birds and mammals. Rough handling of adult amphibians can easily result in skin abrasions, small tears, punctures, erosions and ulcers; normally, minor skin wounds heal quickly, but if contaminants, sewage or high levels of microorganisms are present in the pond or other environment, then wound infections are possible.
Frogs and Toads. All amphibians can be expected to struggle following capture. For anurans, there is a danger that vigorous kicking with the hindlimbs can cause joint dislocations or a broken (fractured) back; broken backs are a well-documented and major problem in another species that moves by hopping---rabbits. Therefore, proper

restraint of anurans, first and foremost involves inhibiting their ability to kick. Salamanders. For salamanders, there are three major dangers associated with handling: 1) loss (automizing) of the tail, 2) damage to the very delicate external gills (in neotenes), and 3) back injury during whip-like thrashing movements.

V. METHODS OF PHYSICAL RESTRAINT:

A. Anurans. Medium and large size frogs and toads (those about 5 grams and larger) should be grasped around the waist with the hindlimbs fully extended. The animal should not be allowed to bend (flex) its hip and knee joints, since this would allow it to kick.

B. Caudates. Medium and large size salamanders (those about 5 grams and larger) should be grasped in the middle of the body between the forelimbs and hindlimbs. Larval and neotenic salamanders should never be grasped around the head or neck, because the gills can be easily damaged. Under no circumstances should salamanders be grasped by the tail or picked up by the tail.

C. Larvae. All larvae (including tadpoles) should be handled with nets or scoops. For examinations, the larvae should be placed in a clear plastic bag with a mild amount of water. Alternatively, larvae may be sedated with an anesthetic and examined in a dish or bowl of water. As much as possible, larvae should be examined only while they are in water. Larvae should not be grasped with bare hands.

VI. MISHAPS.

A. Skin wounds: If an amphibian suffers a skin wound during handling, it is recommended that the wound be sprayed with the over-the-counter product, Bactine® (See the SOP on Toe Clipping of Frogs and Toads, NWHC ACUC Protocol 2001-004). All other topical antiseptics and disinfectants (sprays and ointments) are CONTRAINDICATED in amphibians. If possible, the animal should then be released on land rather than into water, since the antiseptic spray would be quickly washed off in water.

B. Broken back: If a frog or toads suffers a broken back during capture or handling, it should be promptly euthanized. It would be inhumane to release such a crippled animal. An animal with a broken back will have serious damage to the spinal cord and should show almost immediate paralysis of the hindlimbs and tail. Recommended methods of humane euthanasia include (see NWHC ACUC Protocol 1999-009, Methods of Euthanasia):

1. Pithing
2. Overdosing in anesthetic solutions of MS222 or benzocaine

3. Application of a benzocaine-based topical ointment (as used by humans to relieve tooth-aches) to the top or the head and dorsum of the body.

C. Broken leg: If a major bone of a limb is broken during capture or handling, the animal should be euthanized or taken to a wildlife rehabilitation center or veterinarian for treatment. A broken leg bone typically is recognized as an abnormal bend in the leg where there is no joint; other signs of a broken leg bone are protrusion of a bone fragment through the skin, inability of the animal to move a limb or position a leg in its normal resting posture. After treatment, amphibians with broken bones might be given to a zoo or placed in a captive breeding program. Only if the injured amphibian is kept isolated from all other fish, amphibians and reptiles (eg, in a separate cage) during treatment, can it later be considered for release at the point of capture. Injuries to digits (toes and fingers) generally are not life-threatening; if the skin of the injured toe also is wounded, then treatment with Bactine® prior to immediate release is acceptable. If a toe bone is broken and protruding through the skin, the affected toe may be amputated just proximal to the site of the fracture, the stump should be sprayed with Bactine®, and the animal may be released.

D. Automized tail: If a salamander automizes (detaches) its tail during capture or handling, the stump should be treated (sprayed) with Bactine®; the salamander can then be promptly released.

E. Crushing injuries to head and body. Amphibians that have serious injuries to skin, muscles and bones should be promptly euthanized. Crushing injuries that are limited to a limb or tail will require treatment at a wildlife rehabilitation center or a veterinary clinic; alternatively, the animal may be euthanized, but it would be inhumane to release a seriously injured amphibian.

F. Snout abrasions. Amphibians that are held in glass or clear plastic containers may jump head-first into the glass, or may rub their snout against the container in attempts to burrow out. If amphibians are held for more than an hour in a clear container (bottle, aquarium, etc), they should be examined for evidence of skin injury at the tip of the snout and elsewhere around the head prior to release. If abrasions are detected, they should be sprayed with Bactine® prior to release.

G. Toxic skin secretions. All amphibians have glands in their skin that secrete a vast number of chemicals; some of which are merely noxious and repellant-like, while others may cause skin or eye irritation, and some may actually kill. The poison-dart frogs of Central America are an example of a frog with toxic secretions that can kill a human. Among the native amphibians of the United

States, the two amphibians of greatest concern are giant toads (also called cane toads, marine toads, aga toads; Bufo marinus) and western newts of the genus, Taricha.

Giant toads secrete a potent white mucoid substance from their parotid glands (large warts just behind the eyes) that affects the heart, but it is not absorbed through the intact human skin; however, the toxin is readily absorbed through the eyes and mouth. Hence, the best way to prevent poisoning is to carefully avoid rubbing the eyes or putting fingers in the mouth after handling a giant toad. If skin secretions of giant toads contact the eye or mouth, then flush promptly with generous amounts of clean fresh water or contact lens wetting solution, and then seek emergency care at a clinic or hospital if stinging or numbness of the eye or mouth develops.

Newts of the genus, Taricha, also secrete toxins from their skin; it is presumed that the entire body of these newts secretes toxins (newts and other salamanders do not have parotid glands). Their skin secretions are very irritating to the eyes and mouth. Temporary blindness (lasting about 24 hrs) has been reported by field biologists that handled newts and then rubbed their eyes. If sensations of blurred vision,or burning or stinging of the eyes occur after handling any genus or species of newt, wash the eyes with copious amounts of fresh clean water (or contact lens wetting solutions) and promptly seek medical care. Persons with newt skin secretions in their eyes are advised not to drive a vehicle or operate other dangerous or heavy equipment.

Finally, it is possible that other amphibian species in the USA besides giant toads and newts, could produce skin secretions that are irritants to the eyes. Furthermore, amphibians may carry some bacteria in their intestines and feces that are human pathogens, such as the bacteria, Salmonella and Leptospira. Hence, it is always best to practice good personal hygiene after handling any amphibian (namely, thoroughly wash your hands with soap and water).

VII. CITED LITERATURE:

1. MARTIN, D., and H. HONG. 1991. The use of Bactine® in the treatment of open wounds and other lesions in captive anurans. Herpetol Rev 22: 21.

[***Financial institution letterhead***]

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

Issue Date: [***date***]

Beneficiary:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
960 Riverside Parkway, Suite 90
West Sacramento, CA 95605
Attn: HCPB Mitigation Funds

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

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

Dear Sirs:

1. At the request and on the instruction of our customer, [***name of applicant***] ("Applicant"), we, [***name of financial institution***] ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. $[***dollar number***] [(***dollar amount***)] ("Principal Sum").

2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the [***name of project***] issued by CDFW to the Applicant on [***date***] (No. [***number***]) ("Permit").

3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements in the Permit ("Mitigation Requirements").

4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.

5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A,

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

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.

7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.

8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.

9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.

10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.

11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.

12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Manager of CDFW's Habitat Conservation Planning Branch.

13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.

14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West

Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.

16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.

17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.

18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.

19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[***Name of financial institution***]

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

ATTACHMENT A

CERTIFICATE FOR DRAWING

[***CDFW Letterhead***]

[***Date***]

[***Name and address of financial institution***]

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

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

1. [***Insert one of the following statements:*** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." ***or*** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]

2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.

3. CDFW is therefore making a drawing under the Credit in amount of U.S. $_____.

4. The amount demanded does not exceed the Principal Sum of the Credit.

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[***CDFW Letterhead***]

[***Date***]

[***Name and address of financial institution***]

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

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

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

2. CDFW therefore requests the cancellation of the Credit.

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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