



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

California Endangered Species Act  
Amended Incidental Take Permit No. 2081-2022-037-04  
(Major Amendment No. 3)

**AZALEA HYBRID POWER PROJECT**

**I. Authority:**

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

**Permittee:** SF Azalea, LLC

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**II. Amended ITP<sup>3</sup> Background:**

On April 10, 2024, CDFW issued Incidental Take Permit No. 2081-2022-037-04 (ITP) to SF Azalea, LLC (Permittee) authorizing take of San Joaquin kit fox (SJKF, *Vulpes macrotis mutica*) San Joaquin antelope squirrel (SJAS, *Ammospermophilus nelsoni*), and giant kangaroo rat (GKR, *Dipodomys ingens*) (collectively, the Covered Species) associated with and incidental to the Azalea Hybrid Power Project in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW included the construction, operation, and maintenance of a photovoltaic (PV) solar facility and associated infrastructure on over 395 acres of a 640-acre property with an additional 2.70-acres of

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

<sup>2</sup>The 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.

<sup>3</sup> When this incidental take permit and attachments refer to the “ITP”, it means the “Amended ITP” unless the context dictates otherwise.

development required for the associated generation tie line (gen-tie). In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

On August 26, 2024, CDFW issued a CDFW-initiated Major Amendment No. 1 which removed San Joaquin antelope squirrel as a Covered Species from this ITP. Permittee originally requested take coverage for San Joaquin antelope squirrel but subsequently removed the species from their ITP application. San Joaquin antelope squirrel was inadvertently included as a Covered Species in the ITP. Further, CDFW also included in the Major amendment the option for a Designated Trapper(s)/Surveyor(s) and an extension of time in which the security must be provided. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 1.

On September 17, 2024, CDFW issued Minor Amendment No. 2 to revise the southern boundary of the Project site involving a reduction and an extension of the Project fence line and replace Figure 1 with a revised map to reflect the new fence boundary at the southern portion of the Project site; the 397.7 impact acreage remained unchanged. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 1.

On November 18, 2024, CDFW received a request from the Permittee for a major amendment to modify the ITP as follows:

- Revise the trench check requirements for non-workdays in some situations;
- Revise the SJKF den avoidance, blockage, and excavation requirements to allow potential SJKF den excavation (SJKF dens without SJKF sign or presence) without prior monitoring with tracking medium or camera trapping; and
- Revise the avoidance buffer requirements to ensure that requests to reduce the avoidance buffer distance for potential SJKF dens could be evaluated in accordance with the GKR avoidance measure, if there is no sign of current or past use by SJKF.

This Major Amendment No. 3 makes the following changes to the existing ITP, as amended:

- ITP Condition of Approval 6.4 (Quarterly Compliance Reports) and XIII. Notices section was updated to reflect the current CDFW Regional Representative;
- ITP Condition of Approval 7.7 (Excavation Inspection) was revised to reduce trench checks to be performed only on workdays and after rainfall that would wash out escape ramps for excavations with effective covers and escape ramps, and multiple escape ramps to be installed for trenches greater than 50 feet in length;

- ITP Condition of Approval 7.11 (SJKF Den Avoidance) was revised to require buffer increases when SJKF are stressed and to allow buffer reduction requests; and
- ITP Condition of Approval 7.13 (SJKF Den Excavation) was revised to clarify that potential SJKF dens may be excavated prior to monitoring with tracking medium or camera trapping.

CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW’s previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in all previous and this third Major Amendment (collectively, the Amended ITP). The Amended ITP includes all the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the original ITP as a result of this Major Amendment.

### **III. Effective Date and Expiration Date of this Amended ITP:**

This Amended ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **January 31, 2059**.

Notwithstanding the expiration date on the take authorization provided by this Amended ITP, Permittee’s obligations pursuant to this Amended ITP do not end until CDFW accepts as complete the Permittee’s Final Mitigation Report required by Condition of Approval 6.9 of this Amended ITP.

### **IV. Project Location:**

The Project is located on a 640-acre property in an unincorporated area of northwest Kern County, immediately south of the boundary line between Kings County and Kern County (See Figure 1).

### **V. Project Description:**

The Project includes the construction, operation, and maintenance of a photovoltaic (PV) solar facility and associated infrastructure to generate up to 60 megawatts (MW) of renewable energy and up to 55 MW of energy storage. The Project includes PV modules and trackers, inverters, and medium voltage transformers, direct current collection, on-site substation, battery storage, telecommunications, meteorological data collection, lighting, signage, access roads, and gen-tie. The solar arrays and associated infrastructure will be developed over 395-acres of the 640-acre property, with an additional 2.70-acres of development required for the associated gen-tie (Project Area).

Construction equipment that may be used during Project activities includes scrapers, excavators, dozers, water trucks, haul vehicles, graders, trucks, and other similar heavy equipment. Construction

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traffic will access the Project Area via King Road, located 1 mile north of the Project Area, and then along an existing unnamed paved road. Construction parking areas will be located within the Project Area.

Construction is expected to occur between 6:00am, and 5:00pm, Monday through Friday. Additional hours may be necessary to make up schedule deficiencies or to complete critical construction activities. Some activities may continue 24 hours per day, seven days per week. Low noise level activities (nighttime activities) may potentially occur between the hours of 10:00 pm and 7:00 am. Nighttime activities could potentially include, but are not limited to, refueling equipment, staging material for the following day's construction activities, quality assurance/control, and commissioning.

Construction materials and supplies will be delivered by truck. Truck deliveries will primarily occur during daylight hours. However, there may also be offloading and/or transporting on weekends and during evening hours. All construction materials and supplies will be stored on-site within the Project Area.

Construction is anticipated to begin in 2024 and will last 12 to 18 months. Night work will be required due to the scheduling of system outages and construction schedules. Operation and maintenance (O&M) is anticipated to continue for up to 34 years after construction is complete. Project activities are presented below as related to either Construction or O&M following construction.

### **Construction**

Construction of the Project includes the following activities:

- **Geotechnical Drilling.** Subsurface drilling for soil borings, excavation of test pits, and field resistivity testing will be conducted as needed prior to the start of construction to inform final design specifications. The work will involve the use of a 4X4 drill rig with support from other all-terrain vehicles and pickup trucks. Field resistivity testing will include inducing an electrical current into steel pin electrodes driven by hand about 4 inches into the ground.
- **Site Preparation, Grading, and Earthwork.** The Project Area will be cleared and graded as needed to allow for the installation of the solar arrays, energy storage facility, related infrastructure, access driveways, and temporary construction staging areas. Earthmoving activities will be limited to the construction of internal access, maintenance and perimeter roads, solar panel arrays, O&M buildings, substations, energy storage systems, gen-tie lines, and minor improvements to the existing unnamed paved road. Spoils generated during earthwork will be used to balance and level other portions of the Project Area and will not be exported from the site. Water trucks will be used for dust suppression, soil compaction, and grading. Stabilized construction entrances and exits, via soil compaction or geo fabric, will also

be installed at the Project entrance driveways to ensure that potential for tracking of sediment onto adjacent public roadways is minimized. Soil compaction may also be required for the construction of inverter pads, substation, and control rooms.

- Staging and Laydown Areas. Laydown areas will be established within the solar array development areas for staging of equipment and materials. These areas will be cleared and graded as described above. Water trucks will be used for dust suppression, soil compaction, and grading.
- Site Access, Site Security, and Fencing. The perimeter of the solar array development area will be enclosed with chain link security fence with three-stranded barbed wire measuring up to 8-feet in height from finished grade (except the gen-tie line). All fencing will leave a 4- to 6- inch opening between the fence mesh and the ground to protect wildlife that pass under the fence. The fencing may have an intrusion alarm system integrated, including intrusion detection cabinets placed approximately every 1,500-feet along the perimeter. Other security systems may be constructed including controlled access points, security alarms, security camera systems, security guard vehicle patrols, and lighting. Low voltage fencing, as a security measure, will not be used. Installation of the security fence will also involve mowing and grading a portion of the Project's perimeter road (up to 20-feet wide) to ensure that the security fence is not disturbed by equipment for the duration of construction.

Signage will be installed on the security fence, near the main access gates, and will identify the owner, operator, and emergency contacts and provide safety and security information. Additional signage will be posted at the main gates and intermittently along the perimeter fencing on exterior parcel boundaries to indicate "No Trespassing" and "Private Property" for security and safety purposes.

Construction traffic will access the Project by using King Road, 1 mile north of the Project Area, along an existing unnamed paved road. Controlled access gates will be maintained at the main entrances to the Project. Access will be provided to off-site emergency response teams that respond in the event of an "after-hours" emergency. Enclosure gates will be manually operated with a key provided in an identified key box location.

Perimeter roads will be up to 20-feet wide and established around the perimeter of the solar array development area as well as the perimeter of each block of the solar array (up to 18.50-acres). Access driveways will be constructed by placing 2 to 4 inches of decomposed granite or comparable material directly on the existing soil.

- Panel Installation. The Project will use Photovoltaic (PV) modules and trackers to optimize power production. The support and mount system consists of a tracking system that is supported by metal posts, which are driven into the ground with a pile-driving machine. The solar panels will be organized in rows in a uniform grid pattern, with each row separated by

up to 20-feet (from post to post). The combined area for the solar panel footprints within the two arrays comprises 105.17-acres.

- Battery Energy Storage Systems. The Project will construct one battery energy storage system (BESS) and will be comprised of modular and scalable battery packs and control systems constructed within 40-foot by 8-foot shipping containers or similar building structures, up to 9.5-feet tall. The BESS will be constructed over a flat concrete foundation and the 3.50-acre area will be secured with perimeter security fencing.
- Substations. The Project will construct one 200-foot by 200-foot, 0.54-acre substation on-site to receive output from the inverter stations through electrical conduits and conductor wires. The substation will include transformers, breakers, switches, meters, and related equipment. Interconnection equipment, including the 15-foot by 30-foot control house, will be installed aboveground and underground within the footprint of the substation. Substations will be enclosed with chain-link fence, separate from the perimeter security fencing that encloses the overall solar array development area.

The Arco substation is an existing Pacific Gas and Electric (PG&E) substation located northwest of the Project on approximately 20-acres. To accommodate the interconnection of the Project and the 70 kV bus terminal, the existing Arco substation will be expanded by 0.50-acre, immediately adjacent to the northwest corner of the existing substation. The modified substation area will be unmanned and will be operated remotely.

- O&M Facilities. The Project will construct one O&M building, with associated on-site unpaved parking and a storage yard. The 400-square foot O&M building foundation will be excavated to a depth of approximately 3 feet and will have a concrete foundation. A pre-engineered structure will be erected onsite and individual components such as beams, siding, and roofing will be transported to the Project Area.
- Inverter Stations and Collector Lines. An inverter station will be constructed on a 10-foot by 20-foot by 4-foot-deep foundation within each block of PV solar modules to convert the direct current that the solar panels produce to alternating current (up to 0.05-acre). An inverter station is comprised of inverter modules, a unit transformer, and voltage switch gear which are housed in steel enclosures or canopies and cabinets on skid or concrete-mounted pads.

Output from the inverter stations will be transferred through above-and below-ground electrical conduits and conductor wires (connectors) to the Project substation(s). The collectors will be bundled together as they approach the substation. Trenches will be excavated up to 4-feet wide by 4-feet deep for the underground connectors.

- Generation-Tie. The 70 kV gen-tie will interconnect the substation to the existing PG&E Arco substation. The gen-tie will extend west from the Project substation for 0.68 mile with a right-of-way up to 75-feet wide. Up to 30 new wood or steel poles, which will be up to 90 feet tall, will be installed over 2.71-acres to accommodate the gen-tie.
- Project Lighting. Lighting will be installed for operational and security purposes at the lowest intensity foot candle level, in compliance with applicable regulations, measured at the property line after dark. Lighting installed outside of the on-site substation will be directed downward, shielded, or otherwise modified to prevent emission of light or glare beyond the property line or upward into the sky.
- Telecommunication System. The Project requires redundant telecommunication connections that will consist of fiber optic cable and/or copper telecommunication line, installed above and/or below ground, attached to either existing utility lines located outside of the Project Area or the new gen-tie. Below-ground installations are installed approximately 24 to 48 inches below grade. Above ground lines are placed below existing distribution lines or on new, adjacent wood poles or attached to the new gen-tie.
- Meteorological Data Collection System. The Project will require four meteorological data collection systems. The systems, which will be mounted at various locations throughout the Project Area, will include a variety of instruments to collect meteorological data. Meteorological data will be collected at a maximum height of the solar panels or approximately 15-feet above the ground.

### **Operation and Maintenance (O&M)**

O&M activities following construction of the Project includes the following:

- Facility and Road Maintenance. Maintenance or repair will occur on an as-needed basis when deterioration of parts or damage occurs, or retrofitting becomes necessary. Supporting facilities and structures such as the water supply and treatment facilities (wells, tank, septic tank, and leach field), O&M building, security system, fencing, and parking areas will require corrective maintenance or repair during the O&M phase. The electrical transmission facilities including the project on-site substation, medium-voltage overhead lines, and gen-tie will also need corrective repair or maintenance. Most of the work will be conducted by crew members driving pickup trucks; however, some repairs, such as those to the project substation or batteries, could require specialized equipment. Interior and perimeter access roads will be mowed, graded, and compacted to facilitate access for maintenance and by emergency personnel during the life of the Project.

- Solar Panel Washing. Solar panels will be washed up to four times per year.
- Monitoring Electricity Generation. Personnel monitoring visits will occur and entail driving along established access roads for diagnostics testing and site inspection.
- Providing Site Security. Security monitoring will occur on-site 24 hours a day. Personnel will use light to medium-duty trucks and all-terrain vehicles for traversing the site along fire access roads, including drainage crossings.
- Erosion Control and Vegetation Maintenance. Other O&M activities include erosion control maintenance, restoration of vegetative cover, vegetation maintenance, and mechanical vegetation removal (e.g. mowing and grazing). Herbicides will only be used after hand or mechanical methods have been ineffective.

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

This Amended ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>4</sup>
1. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	Threatened <sup>5</sup>
2. Giant kangaroo rat ( <i>Dipodomys ingens</i> )	Endangered <sup>6</sup>

These species and only these species are the “Covered Species” for the purposes of this Amended ITP.

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

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include driving vehicles to, and from the Project; operation of construction equipment; clearing, grubbing, and grading; removing vegetation; cut/fill activities; trenching and excavation; backfilling and compacting of soil; construction and use of internal roads, temporary staging, and storage areas; installation of temporary and/or permanent lighting fixtures; installation and modification methods of temporary and permanent fencing; placement of concrete and/or asphalt for structural foundations (O&M buildings, battery storage, substation, etc.); building substations, O&M buildings, battery storage, inverters, and transformers; installing solar panel and support and mount systems; installing collector lines and poles; telecommunication and meteorological data collection systems; transporting construction materials and disturbing ground or vegetation during the O&M activities described above (collectively referred to as Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a

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<sup>4</sup> Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

<sup>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

<sup>6</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(C).



result of Covered Activities such as vehicle/equipment strikes; crushing by heavy equipment, soil, or materials; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals; entombment of individuals during earthwork; and noise and ground vibration that could cause individuals to leave burrows at inappropriate times increasing stress, overheating, and exposure to predation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so with entrapment of Covered Species into trenches or excavations, with corralling by installation of species exclusion fencing, with live trapping or implementation of other take minimization measures required by this Amended ITP, or with burrow excavation, and with relocation or translocation of Covered Species. The areas where authorized take of the Covered Species is expected to occur include the solar arrays, inverters, substations, collector lines, access road systems, energy storage systems, gen-tie poles, and all constructed facilities within the solar array areas and the collector line corridors (collectively, the Project Area).

Incidental take of the Covered Species is expected throughout the entire 397.70-acre Project Area, all of which will be a permanent loss of habitat for the Covered Species. Covered Species habitat impacted by the Project is low quality non-native grassland formerly in agricultural production. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These short-term and long-term indirect impacts include: stress resulting from noise and vibrations; increased exposure or stress from disorientation; stress resulting from capture, and relocation; introduction or spread of invasive species resulting in lower nutritional value for Covered Species; long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation and disease; on-going O&M-related noise and lighting; fugitive dust; changes in drainage patterns that favor different vegetative growth; loss of burrowing habitat used for shelter and reproduction; and competition between displaced individuals into unsuitable areas or areas at carrying capacity interfering with denning, foraging, and reproduction.

#### **VIII. Incidental Take Authorization of Covered Species:**

This Amended 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 Amended ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this Amended ITP.

## **IX. 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 Amended 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 Amended ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2021090602) adopted by Kern County, on March 14, 2023, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in any incidental take permit that will be issued for the Project pursuant to the federal Endangered Species Act (FESA) unless those terms and conditions are less protective of the Covered Species or otherwise conflict with the conditions of this Amended ITP. In those instances, the Conditions of Approval set forth in this Amended ITP shall control.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this Amended 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 Amended ITP.
- 5. General Provisions:**
  - 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this Amended 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 Amended ITP.
  - 5.2. Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitor(s) may assist the Designated Biologist(s) and Designated

Trapper(s)/Surveyor(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s).

Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, trapping, handling, and relocating of the applicable Covered Species. Permittee shall also ensure that the Designated Biologist(s) is experienced in the excavation of burrows actively used by the Covered Species and in the monitoring of construction activities under an ITP for the Covered Species. Permittee shall ensure that the Designated Trapper(s)/Surveyor(s) is knowledgeable and experienced in the biology, natural history, trapping, handling, and relocating of the applicable Covered Species. Permittee shall ensure that the Designated Monitor(s) is knowledgeable and experienced in the biology and natural history of the applicable Covered Species. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated 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), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) must be changed.

**5.3. Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) Authority.** To ensure compliance with the Conditions of Approval of this Amended ITP, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall immediately stop any activity that does not comply with this Amended ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) is unable to comply with the Amended ITP, then they 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(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) 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 Amended ITP.

**5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The

program shall consist of a presentation from the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this Amended ITP.

Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Documentation.** The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction phase, which shall include a copy of this Amended 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 Area upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist, Designated Trapper(s)/Surveyor(s), and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to the Regional Representative and Regional Office identified in the Quarterly Compliance Report Condition of Approval below. Permittee shall not apply dust suppressant, surfactant, soil binders or

stabilizer products that may be harmful to Covered Species in upland or aquatic environments.

- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 5.9. Delineation of Project Area 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 the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.
- 5.10. 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. All delineation materials shall be removed and disposed of properly upon completion of activities in the Project Area.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this Amended ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Project Access Condition of Approval.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of

any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.

Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within established O&M buildings or designated staging areas and shall not occur within 200 feet of Covered Species burrows, unless approved in advance and in writing by CDFW.

- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this Amended ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. Lighting.** All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.
- 5.17. Herbicide Use.** Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.
- 5.18. Rodenticides, Pesticides, and Insecticides.** Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to their use.

- 5.19. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials.
- 5.20. Wildfire Avoidance.** Permittee or Permittee’s contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Education Program Condition of Approval.
- 5.21. Permanent Security Fencing Plan.** Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval a minimum of 14 calendar days before starting Covered Activities, to the Regional Representative and Regional Office identified in the Quarterly Compliance Report Condition of Approval.

The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, and post-construction augmentation plans. Permanent security fencing around the solar panel “blocks” and the Project Area as a whole (excluding the O&M building(s) and substation(s)), shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, to allow for Covered Species permeability and use of the Project Area once construction activities are completed.

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

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting construction phase Covered Activities and O&M phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting either phase.
- 6.2. Notification of Non-compliance.** The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended 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 Amended ITP and suggested measures to remedy the situation.
- 6.3. Compliance Monitoring.** The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s), shall be on-site daily, for the duration of the day, when Construction Covered Activities or

ground- or vegetation-disturbing O&M Covered Activities occur. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered ground- or vegetation-disturbing activity. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall be on-site during construction for a minimum of once every 14 days during periods of inactivity, after clearing, grubbing, and grading are completed. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this Amended ITP; (4) check all exclusion zones; (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; (6) maintain an on-going account of the number of acres that are permanently disturbed by the Project; and (7) document the Covered Activities that occurred. Until completion of Construction Covered Activities and during active construction, the Designated Representative, Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this Amended ITP.

- 6.4. Quarterly Compliance Report (Construction Phase).** The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall compile the observation and inspection records identified during Compliance Monitoring, described above, into a Quarterly Compliance Report during the construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, Regional Office ([RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)) and Headquarters CESA Program ([CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov)) no later than the 15<sup>th</sup> day of the month following the reporting period. At the time of the original ITP's approval, the Regional Representative is Alya Wakeman-Hill ([alya.wakeman-hill@wildlife.ca.gov](mailto:alya.wakeman-hill@wildlife.ca.gov)), the Regional Office e-mail is [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov), and the Headquarters CESA Program e-mail is [CESA@wildlife.ca.gov](mailto: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.
- 6.5. Annual Status Report (Construction Phase and O&M Phase).** Permittee shall provide CDFW with an Annual Status Report (ASR) during the construction phase and O&M phase no later than January 31 of every year beginning with issuance of the original ITP and continuing until CDFW accepts the Final Mitigation Report, identified below. The Reporting Period for



the ASR shall be the prior calendar year. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the construction phase; (2) a record of the Education Program training sessions provided over the Reporting Period; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; (8) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since the original ITP issuance; and (9) information about other Project impacts on the Covered Species during the Reporting Period. ASRs shall be submitted to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.

- 6.6. CNDDDB Observations.** the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within a minimum of 60 calendar days of the observation. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation during the construction phase and copies of the submitted forms shall be submitted with the Annual Status Report during the O&M phase.
- 6.7. Construction Phase Conditions of Approval Evaluation Report.** No later than 45 days after completion of all construction activities for the solar array development area and gen-tie line, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall prepare the Construction Phase Conditions of Approval Evaluation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (2) beginning and ending dates of Covered Activities for the construction phase; (3) a copy of the table in the MMRP with notes showing when each of the construction phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species; (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and (5) any other pertinent information. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW

following the directions provided in the Quarterly Compliance Report Condition of Approval.

- 6.8. O&M Phase Conditions of Approval Evaluation Report.** No later than 45 days after completion of all O&M phase activities for the Project, Permittee shall provide CDFW with an O&M Conditions of Approval Evaluation Report. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall prepare the O&M Conditions of Approval Evaluation Report which shall include, at a minimum: (1) a summary of all Annual Status Reports; (2) beginning and ending dates of O&M Covered Activities during the O&M phase; (3) a copy of the table in the MMRP with notes showing when each of the conditions were implemented during O&M of the facility and an assessment of the effectiveness of each of the Conditions of Approval associated with O&M of the Project in minimizing and mitigating Project impacts on Covered Species; (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and (5) any other pertinent information. The O&M Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.
- 6.9. Final Mitigation Report.** No later than 45 calendar days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (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 Amended 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. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.
- 6.10. As-Built Development Plans.** No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit as-built development plans. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be

derived from survey data acquired after the Project construction phase has been completed and shall be verified by the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s). The as-built plans shall be submitted in electronic format (e-mail or other available document repository/share site) to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.

**6.11. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Representative shall provide initial notification to CDFW via email to the Regional Office at [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the Amended ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office identified in the Quarterly Compliance Report Condition of Approval.

**6.12. Notification of Non-Compliance.** The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended ITP. The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this Amended ITP and suggested measures to remedy the situation.

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

**Construction Phase Covered Activities Take Minimization Measures**

**7.1. Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) On Site.** The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall be on site during all activities that may result in the take of Covered Species and in accordance with the Compliance Monitoring Condition of Approval.

- 7.2. Work Hours.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized; (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention; (3) security patrols, and (4) refueling equipment and staging material for the following day's construction activities.

Permittee shall ensure: (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.

- 7.3. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.

- 7.4. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per the SJKF Den Excavation and/or GKR Burrow Excavation Conditions of Approval. Vehicles left overnight shall be located at least 50 feet from all Covered Species dens or burrows.

- 7.5. Vehicle Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if GKR are inside a fenced area, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered Species out of harm's way in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan.

- 7.6. Pipe and Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered

Species out of harm's way outside of the Project Area and in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan.

**7.7. Excavation Inspection.** The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every day. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.

- **Cover:** All Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.
- **Escape Ramp:** As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All Excavations shall have an additional escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope for every additional 50 feet of Excavation length. For example, a 50-foot-long Excavation would have two escape ramps and a 100-foot-long Excavation would have three escape ramps.

If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) immediately. Project workers, Designated Biologist(s), and Designated Trapper(s)/Surveyor(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered Species out of

harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan.

- 7.8. Covered Species Observations.** All workers shall inform the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) moves the Covered Species out of harm's way outside of the Project Area and in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan.
- 7.9. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) Designated Trapper(s)/Surveyor(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report as described in the Notification of Take of Injury Condition of Approval. and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If Covered Species is found deceased, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

***San Joaquin Kit Fox (SJKF) Specific Take Minimization Measures:***

- 7.10. SJKF Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens. Pre-construction surveys shall include the entire Project Area including access routes (both existing and new), the solar array development area, the substation, the collector line corridor, the proposed construction right-of-way (ROW) and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW), as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Project Area to identify known and/or natal SJKF dens. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall flag all potential, known, and natal SJKF dens within the Project Area to alert biological and work crews to their presence and in preparation for monitoring.

Permittee shall provide the survey results in a written report to CDFW's Regional Representative and Regional Office identified in the Quarterly Compliance Report Condition of Approval within five (5) days after survey completion. The pre-construction survey report shall include, but not be limited to, methodology, date and time of survey(s), results, discussion, and map with buffer distances of the locations of each potential, known, and natal SJKF dens in proximity to Project work areas and plans for avoidance, blocking and/or excavation of den types.

**7.11. SJKF Den Avoidance.** The Permittee shall notify CDFW's Regional Office or Regional Contact immediately via phone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:

- 7.11.1. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered, or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.
- 7.11.2. If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.
- 7.11.3. If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.
- 7.11.4. If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 250 feet shall be established around the den.

Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity. Increased no-disturbance buffers will be determined by the Designated Biologist(s) or Designated Surveyor(s) based on their behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow SJKF Den Blockage and SJKF Den Excavation Conditions of Approval as applicable. Unique circumstances, which may allow for a reduced buffer, will be evaluated by CDFW on a case-by-case basis when requested by the Permittee. Specific buffer reductions may only be implemented after written approval from CDFW to do so, and which could require additional and/or ongoing biological monitoring.

**7.12. SJKF Den Blockage.** The Permittee shall block rather than destroy any den located within the buffer distances prescribed by the SJKF Den Avoidance Condition of Approval, but

outside the discrete ground-disturbing Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.

**7.13. SJKF Den Excavation.** Dens (including dens in natural substrate and in/beneath man-made structures) that cannot be avoided per the SJKF Den Avoidance Condition of Approval shall be fully excavated by the Designated Biologist(s), Designated Trapper(s)/Surveyor(s) or by the Designated Monitor, both of the latter only under direct supervision of the Designated Biologist(s) for atypical, known, natal, and potential natal dens. Den excavations shall be performed in the following manner for each type of SJKF den:

Potential SJKF den: A potential den may be independently excavated by a Designated Trapper(s)/Surveyor(s), or by a Designated Monitor(s) under the direct supervision of a Designated Trapper(s)/Surveyor(s), only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, “keyhole shape” burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF.

Known SJKF den: A known SJKF den may be excavated immediately after the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present.

Potential and known natal dens: A potential or known SJKF natal den shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW.

If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking medium or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be resumed and completed when, in the judgment of the Designated Biologist(s), the individual has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful



excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from both agencies prior to proceeding with den excavation. An established SJKF den ESA may be removed once a den has been fully excavated.

**7.14. SJKF Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each known and active SJKF dens that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this Amended ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

***Giant Kangaroo Rat (GKR) Specific Take Minimization Measures:***

**7.15. GKR Mortality Reduction and Relocation Plan.** Permittee shall submit a GKR Mortality Reduction and Relocation Plan for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); plans for tracking spatial burrow locations and neighbor-to-neighbor configurations for intended release in identical neighbor-to-neighbor configurations; artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) is authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all GKR mortality reduction activities for the duration of this Amended ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and

Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.

- 7.16. GKR Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential GKR burrows and precincts. Permittee shall provide the results in a GKR Burrow Map and written report to CDFW's Regional Representative at least five calendar days after survey completion. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential GKR burrow and/or precinct, distances of burrow or precincts to Project work areas, and the dates when GKR trapping and relocation will occur as described in the GKR Trapping and Relocation Condition of Approval.
- 7.17. GKR Burrow and Precinct Avoidance.** The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall establish a no-disturbance buffer of 50 feet (or greater) around known or suspected GKR burrows and/or precincts that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing (if warranted), live trapping, relocation, and burrow excavation shall occur in accordance with the GKR Live Trapping and Relocation and GKR Burrow Excavation Conditions of Approval. A buffer reduction request may be submitted to CDFW to allow for retaining burrows or precincts that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to GKR post construction. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.
- 7.18. GKR Live Trapping and Relocation.** Any potential GKR burrows that cannot be avoided per the GKR Burrow and Precinct Avoidance Condition of Approval shall be live trapped for at least four consecutive nights by the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) prior to commencing ground disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist(s) Designated Trapper(s)/Surveyor(s) shall close all traps for GKR during the threat of inclement weather,

such as the National Weather Service prediction of a 30 percent or greater chance of precipitation that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall close all traps for GKR if the air temperature exceeds 99 degrees Fahrenheit during the trapping period. If the air temperature is predicted to drop below 50 degrees Fahrenheit, traps shall be checked every two (2) hours during the trapping period and extra seed shall be included in each trap. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall place natural batting (e.g. unbleached paper towels) for insulation into each trap and shall replace with new material as needed during each trap check to ensure insulation material is dry and present for the duration of each trap night. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall cease trapping if captured animals are found to be lethargic or otherwise are showing signs of a decrease in body temperature.

The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials at the release location with that individual. Any captured lactating/nursing female or dependent GKR juveniles shall be released immediately and monitored for their specific burrow return and planned for either: (1) future burrow or precinct excavation so adult and dependent young/juvenile(s) can be captured (during excavation) and relocated together; or (2) delaying subsequent trapping at the specific burrow or precinct site to allow for young/juveniles to mature and disperse. The Permittee may submit alternative relocation methods for written approval by CDFW as a part of the GKR Mortality Reduction and Relocation Plan.

**7.19. GKR Burrow Excavation.** Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with the GKR Burrow and Precinct Avoidance Condition of Approval, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist(s), or an approved Designated Trapper(s)/Surveyor(s) or Designated Monitor under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any known or suspected GKR burrows and/or precincts that will be impacted by ground disturbing Covered Activities, according to the approved GKR Mortality Reduction and Relocation Plan. Any Covered Species encountered during burrow excavation shall be relocated according to the approved GKR Mortality Reduction and Relocation Plan to the CDFW-approved release site(s). All burrow excavation shall be completed within 72 hours of the conclusion of live trapping. Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR.

**7.20. Protection of GKR Food Stores.** Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds temporarily with plywood to allow temporary vehicle or foot traffic access, or implement other measures developed in consultation with CDFW.

**Operation and Maintenance (O&M) Phase Covered Activities Take Minimization Measures**

**7.21. O&M Covered Activities Requirement.** Permittee shall implement all General Provisions and Monitoring, Notification and Reporting Provisions Conditions of Approval of this Amended ITP for all O&M Covered Activities as applicable.

**7.22. O&M Covered Activities Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) On-site.** The CDFW-approved Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.

**7.23. O&M Covered Activities Work Hours.** Permittee shall confine any O&M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or species specific take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.

**7.24. O&M Covered Activities Vehicle Parking.** During all O&M Covered Activities or species-specific take minimization measures, Permittee shall not allow vehicles to park on top of potential Covered Species dens or burrows. Vehicles left overnight shall not be located within 50 feet of Covered Species dens (known or potential) or burrows or precincts.

**7.25. O&M Phase Vehicle and Equipment Inspection.** During the O&M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of this Amended ITP.

- 7.26. O&M Covered Activities Pipes and Materials Inspection.** Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email prior to proceeding with eviction of the Covered Species.
- 7.27. O&M Covered Activities Covered Species Observations.** During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord or is relocated by the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) in accordance with the CDFW-approved GKR Mortality Reduction and Relocation Plan.
- 7.28. O&M Covered Activities SJKF Den Avoidance.** Unless otherwise approved in writing by CDFW, if a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF is discovered, prior to conducting ground- or vegetation-disturbing O&M Covered Activities, a minimum 50-foot no disturbance buffer shall be established around the den. If a known den (one that shows evidence of current use or use in the past) is discovered prior to conducting ground- or vegetation-disturbing O&M Covered Activities, Permittee shall establish a minimum no disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with 2 or more openings) is discovered prior to conducting ground- or vegetation-disturbing O&M Covered Activities, a no disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via phone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Area. If these no disturbance buffers cannot be established, then the SJKF Den Blockage or SJKF Den Excavation Conditions of Approval as applicable shall be applied subject to the SJKF Den Replacement Plan.
- 7.29. O&M Covered Activities GKR Burrow Avoidance.** Unless otherwise approved by CDFW, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR

burrows and/or precincts during all O&M vegetation- or ground-disturbing Covered Activities. If the 50-foot no disturbance buffer cannot be established; potential exclusion fencing, live trapping, relocation, and burrow excavation shall occur in accordance with the ***GKR Specific Take Minimization Measures*** Conditions of Approval as applicable.

**7.30. O&M Covered Activities Covered Species Injury.** If a Covered Species is injured as a result of conducting O&M Covered Activities, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting O&M Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report within two days calendar days of the incident as described in Covered Species Injury Condition of Approval.

**8. Habitat Management Land Acquisition:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall provide for both the permanent protection and management of 210 acres of Habitat Management (HM) lands (see Figure 2) pursuant to the Habitat Management Lands Acquisition and Protection Condition of Approval and the calculation and deposit of the management funds pursuant to the Endowment Fund Condition of Approval.

CDFW has conceptually approved of the appropriateness of 210 acres of HM lands on a portion of a 248-acre parcel (hereafter "mitigation parcel") as suitable to meet the HM Lands requirement of this Amended ITP. The Assessor's Parcel Number (APN) for the entire parcel, which includes areas north and south of Devil's Den Road, is 048-320-038. The mitigation parcel has high quality, functionally suitable habitat for the Covered Species. Prior to final approval of HM lands, CDFW shall review the information submitted as described in the HM Lands Documentation Condition of Approval.

The permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this Amended ITP if Security is provided pursuant to the Security Condition of Approval, for all uncompleted obligations.

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

- 8.1.1. Land acquisition costs for HM lands identified in the Habitat Management Lands Acquisition and Protection Condition of Approval, estimated at **\$8,000/acre** for 210 acres: **\$1,680,000.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Fee Title and Conservation Easement Condition of Approval estimated at: **\$443,750.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Start-up Activities Condition of Approval, estimated at: **\$145,225.00**;
- 8.1.4. Interim management period funding as described in the Interim Management (Initial and Capital) Condition of Approval, estimated at: **\$64,909.00**;
- 8.1.5. Long-term management funding as described in the Endowment Fund Condition of Approval, estimated at **\$4,134.67/acre** for 210 acres: **\$868,281.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Reimburse CDFW Condition of Approval, estimated at: **\$12,000.00**.
- 8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work estimated at: **\$42,000.00**.

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

- 8.2.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.
- 8.2.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.
- 8.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species.
- 8.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.
- 8.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless



otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.

- 8.2.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.
- 8.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.3. 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 Amended 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 Amended ITP, the conservation easement, and the management plan required by the Land Manager Condition of Approval. Endowment as used in this Amended ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions, and appreciation thereon. The Endowment shall be governed by this Amended 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 Amended ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

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

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

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

- 8.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the

easeholder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval, the results of the endowment assessment before transferring funds to the Endowment Manager.

- 8.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- 8.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
  - 8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
  - 8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
  - 8.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.
- 8.3.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this Amended ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

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

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

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

**9.1. Security Amount.** The Security shall be in the amount of **\$3,256,165.00** or in the amount identified in the Cost Estimates Condition of Approval specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the Cost Estimates Condition of Approval, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

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

**9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or by October 10, 2024, whichever occurs first.

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

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

**9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this Amended ITP.

**9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this Amended 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.

**X. Amendment:**

This Amended ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This Amended 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 Amended ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an Amended ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

**XI. Stop-Work Order:**

If CDFW determines the Permittee has violated any term or condition of this Amended 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 Amended ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this Amended 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 Amended 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 Amended ITP. Suspension and revocation of this Amended ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), Designated Monitor(s), nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**XII. Compliance with Other Laws:**

This Amended ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This Amended 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.

**XIII. Notices:**

Written notices, reports and other communications relating to this Amended 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 Amended ITP Number (2081-2022-037-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4005  
[RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)

and a copy to:

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

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

Alya Wakeman-Hill  
California Department of Fish and Wildlife  
1234 East Shaw Avenue

Amended Incidental Take Permit  
No. 2081-2022-037-04  
(Major Amendment No. 3)  
SF AZALEA, LLC  
AZALEA HYBRID POWER PROJECT

Fresno, California  
(559) 317-7335  
[alya.wakeman-hill@wildlife.ca.gov](mailto:alya.wakeman-hill@wildlife.ca.gov)

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

CDFW's issuance of this Amended ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this Amended ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Azalea Solar Project by SF Azalea, LLC (SCH No.: 2021090602) dated January 2023 that Kern County certified for Azalea Solar Project by SF Azalea, LLC on March 14, 2023. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This Amended 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 EIR for the Project and the environmental effects related to issuance of this Amended ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this Amended 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 Amended ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this Amended ITP will not result in any significant, adverse impacts on the environment. None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Major Amendment No. 1.

**XV. Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the original ITP and amendment applications, Azalea Solar Project, by SF Azalea, LLC, the results of consultations, and the administrative record of proceedings, that issuance of this Amended ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

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

Amended Incidental Take Permit  
No. 2081-2022-037-04  
(Major Amendment No. 3)  
SF AZALEA, LLC  
AZALEA HYBRID POWER PROJECT

- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this Amended ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; (4) Quarterly Compliance Reports and/or Annual Status Reports; (5) Non-compliance reporting, and (6) Final Mitigation Report. 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 this specific 210 acres of compensatory habitat (APN 048-320-038) (HM Lands) that is contiguous with other undeveloped Covered Species habitat is of much higher quality than the habitat being impacted by the Project. Habitat being impacted by the Project is of low quality as it was formerly under agricultural production and therefore subject to periodic discing since 2010; the impacted acreage also functioned as a spray-field for an onsite detention basin which increased the density of non-native vegetation, which lowered the ability of Covered Species to recolonize the habitat from adjacent areas. Protection and management of the HM lands, along with the minimization, monitoring, reporting, and funding requirements of this Amended ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this Amended ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this Amended ITP;
- (4) The measures required by this Amended ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This Amended ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this Amended ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this Amended 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



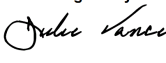
express authority to amend the terms and conditions of this Amended ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

**XVI. Attachments:**

FIGURE 1	Vicinity Map
FIGURE 2	Proposed HM Lands Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
ATTACHMENT 5	Major Amendment No. 3 with Track Changes

1/6/2025

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON** \_\_\_\_\_

DocuSigned by:  
  
EA83F09EF08945A

Julie A. Vance, Regional Manager  
Central Region

Amended Incidental Take Permit  
No. 2081-2022-037-04  
(Major Amendment No. 3)  
**SF AZALEA, LLC**  
**AZALEA HYBRID POWER PROJECT**

## ATTACHMENTS

Figure 1: Vicinity Map

Figure 2: Proposed HM Lands Map

Attachment 1: Mitigation Monitoring and Reporting Program

Attachment 2: Biologist Resume Form

Attachment 3: Letter of Credit Form

Attachment 4: Mitigation Payment Transmittal Form

Attachment 5: Major Amendment No. 3 with Track Changes

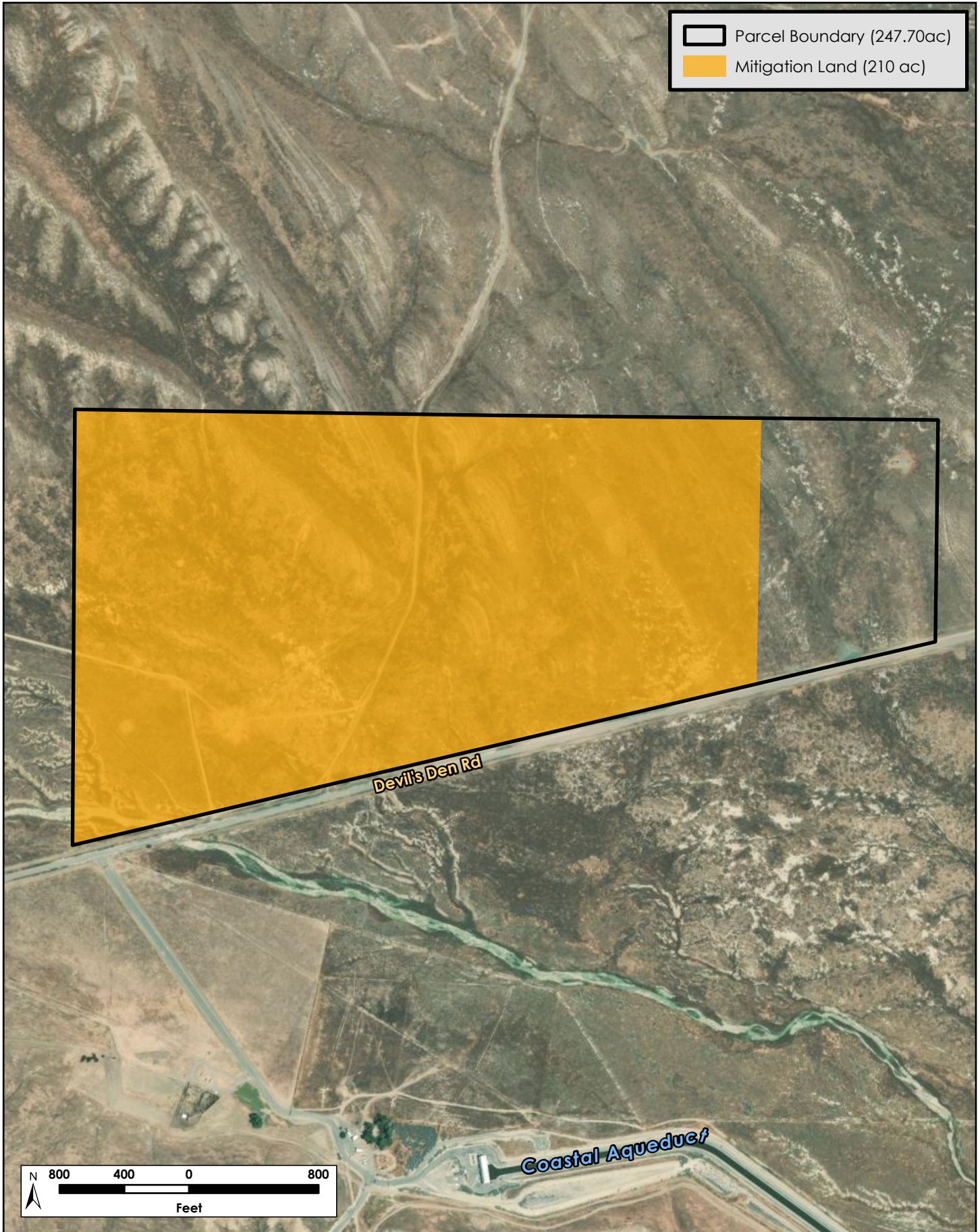
FIGURE 1  
Vicinity Map



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FIGURE 2

Proposed HM Lands Map



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**H. T. HARVEY & ASSOCIATES**

Ecological Consultants

**Compensatory Mitigation Land**

Azalea Hybrid Power Project

(4638-01)

January 2024

ATTACHMENT 1

Mitigation Monitoring and Reporting Program

**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2022-037-04**

**PERMITTEE: SF Azalea, LLC**

**PROJECT: Azalea Hybrid Power Project**

**PURPOSE OF THIS MMRP**

The purpose of this 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
<p><u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.</p>	<p>ITP Condition #5.1</p>	<p>Prior to commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	
<p><u>Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s).</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitor(s) may assist the Designated Biologist(s) and Designated Trapper(s)/Surveyor(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s).</p> <p>Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, trapping, handling, and relocating of the applicable Covered Species. Permittee shall also ensure that the Designated Biologist(s) is experienced in the excavation of burrows actively used by the Covered Species and in the monitoring of construction activities under an ITP for the Covered Species. Permittee shall ensure that the Designated Trapper(s)/Surveyor(s) is knowledgeable and experienced in the biology, natural history, trapping, handling, and relocating of the applicable Covered Species. Permittee shall ensure that the Designated Monitor(s) is knowledgeable and experienced in the biology and natural history of the applicable Covered Species. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated 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), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) must be changed.</p>	<p>ITP Condition #5.2</p>	<p>30 days prior to commencing ground- or vegetation-disturbing activities Entire Project</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of this Amended ITP, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall immediately stop any activity that does not comply with this Amended ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) is unable to comply with the Amended ITP, then they 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(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) 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 Amended ITP.</p>	ITP Condition #5.3	Entire Project	Designated Monitor or Designated Biologist	
<p><u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this Amended ITP.</p> <p>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.</p>	ITP Condition #5.4	Entire Project	Permittee	
<p><u>Construction Monitoring Documentation.</u> The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction phase, which shall include a copy of this Amended 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 Area upon request by CDFW.</p>	ITP Condition #5.5	Entire Project	Designated Biologist or Designated Monitor	
<p><u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.</p>	ITP Condition #5.6	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Dust Control.</u> Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist, Designated Trapper(s)/Surveyor(s), and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&amp;M activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to the Regional Representative and Regional Office identified in the Quarterly Compliance Report Condition of Approval below. Permittee shall not apply dust suppressant, surfactant, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.</p>	ITP Condition #5.7	Entire Project	Permittee	
<p><u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.</p>	ITP Condition #5.8	Entire Project	Permittee	
<p><u>Delineation of Project Area Boundaries.</u> 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 the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.</p>	ITP Condition #5.9	Prior to starting covered activities	Permittee	
<p><u>Delineation of Habitat.</u> 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. All delineation materials shall be removed and disposed of properly upon completion of activities in the Project Area.</p>	ITP Condition #5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not 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 Amended ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.</p>	ITP Condition #5.11	Entire Project	Permittee	
<p><u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the <u>Project Access</u> Condition of Approval.</p>	ITP Condition #5.12	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.</p> <p>Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within established O&amp;M buildings or designated staging areas and shall not occur within 200 feet of Covered Species burrows, unless approved in advance and in writing by CDFW.</p>	ITP Condition #5.13	Entire Project	Permittee	
<p><u>CDFW Access.</u> 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 Amended ITP.</p>	ITP Condition #5.14	Entire Project	Permittee	
<p><u>Refuse Removal.</u> 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.</p>	ITP Condition #5.15	Post Construction	Permittee	
<p><u>Lighting.</u> All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.</p>	ITP Condition #5.16	Entire Project	Permittee	
<p><u>Herbicide Use.</u> Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.</p>	ITP Condition #5.17	Entire Project	Permittee	
<p><u>Rodenticides, Pesticides, and Insecticides.</u> Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to their use.</p>	ITP Condition #5.18	Entire Project	Permittee	
<p><u>Dogs.</u> Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials.</p>	ITP Condition #5.19	Entire Project	Permittee	
<p><u>Wildfire Avoidance.</u> Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the <u>Education Program</u> Condition of Approval.</p>	ITP Condition #5.20	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Permanent Security Fencing Plan.</u> Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval a minimum of 14 calendar days before starting Covered Activities, to the Regional Representative and Regional Office identified in the <u>Quarterly Compliance Report</u> Condition of Approval.</p> <p>The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, and post-construction augmentation plans. Permanent security fencing around the solar panel “blocks” and the Project Area as a whole (excluding the O&amp;M building(s) and substation(s)), shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, to allow for Covered Species permeability and use of the Project Area once construction activities are completed.</p>	ITP Condition #5.21	14 days before commencing ground- or vegetation-disturbing activities	Permittee or Permittee’s contractor	
<p><u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW before starting construction Covered Activities and O&amp;M Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting either construction Covered Activities or O&amp;M Covered Activities.</p>	ITP Condition #6.1	Before commencing ground- or vegetation-disturbing activities	Designated Representative	
<p><u>Notification of Non-compliance.</u> The Designated Representative, or Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended 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 Amended ITP and suggested measures to remedy the situation.</p>	ITP Condition #6.2	Entire Project	Designated Representative or Designated Biologist	
<p><u>Compliance Monitoring.</u> The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s), shall be on-site daily, for the duration of the day, when Construction Covered Activities or ground- or vegetation-disturbing O&amp;M Covered Activities occur. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered ground- or vegetation-disturbing activity. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall be on-site during construction for a minimum of once every 14 days during periods of inactivity, after clearing, grubbing, and grading are completed. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this Amended ITP; (4) check all exclusion zones; (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; (6) maintain an on-going account of the number of acres that are permanently disturbed by the Project; and (7) document the Covered Activities that occurred.</p> <p>Until completion of Construction Covered Activities and during active construction, the Designated Representative, Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this Amended ITP.</p>	ITP Condition #6.3	Throughout Construction Covered Activities or ground- or vegetation-disturbing O&M Covered Activities	Designated Biologist, Representative, or Monitor	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Quarterly Compliance Report (Construction Phase)</u>. The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall compile the observation and inspection records identified during Compliance Monitoring, described above, into a Quarterly Compliance Report during the construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, Regional Office (RRR.R4@wildlife.ca.gov) and Headquarters CESA Program (CESA@wildlife.ca.gov) no later than the 15th day of the month following the reporting period. At the time of the original ITP's approval, the Regional Representative is Alya Wakeman-Hill (alya.wakeman-hill@wildlife.ca.gov), the Regional Office e-mail is RRR.R4@wildlife.ca.gov, and the Headquarters CESA Program e-mail 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.</p>	<p>ITP Condition #6.4</p>	<p>During Construction Activities</p>	<p>Designated Representative or Designated Biologist</p>	
<p><u>Annual Status Report (Construction Phase and O&amp;M Phase)</u>. Permittee shall provide CDFW with an Annual Status Report (ASR) during the construction phase and O&amp;M phase no later than January 31 of every year beginning with issuance of this the original ITP and continuing until CDFW accepts the Final Mitigation Report, identified below. The Reporting Period for the ASR shall be the prior calendar year. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the construction phase; (2) a record of the Education Program training sessions provided over the Reporting Period; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; (8) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since the original ITP issuance; and (9) information about other Project impacts on the Covered Species during the Reporting Period. ASRs shall be submitted to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.</p>	<p>ITP Condition #6.5</p>	<p>During Construction and O&amp;M Covered Activities</p>	<p>Permittee</p>	
<p><u>CNDDDB Observations</u>. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within a minimum of 60 calendar days of the observation. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation during the construction phase and copies of the submitted forms shall be submitted with the Annual Status Report during the O&amp;M phase.</p>	<p>ITP Condition #6.6</p>	<p>Entire Project</p>	<p>Designated Biologist</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Construction Phase Conditions of Approval Evaluation Report.</u> No later than 45 days after completion of all construction activities for the solar array development area and gen-tie line, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall prepare the Construction Phase Conditions of Approval Evaluation Report which shall include, at a minimum: (1) a summary of all <u>Quarterly Compliance Reports</u> and all <u>Annual Status Reports</u>; (2) beginning and ending dates of Covered Activities for the construction phase; (3) a copy of the table in this MMRP with notes showing when each of the construction phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species; (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and (5) any other pertinent information. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the <u>Quarterly Compliance Report</u> Condition of Approval.</p>	<p>ITP Condition #6.7</p>	<p>No later than 45 days post completion of construction activities</p>	<p>Permittee, Designated Biologist</p>	
<p><u>O&amp;M Phase Conditions of Approval Evaluation Report.</u> No later than 45 days after completion of all O&amp;M phase activities for the Project, Permittee shall provide CDFW with an O&amp;M Conditions of Approval Evaluation Report. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall prepare the O&amp;M Conditions of Approval Evaluation Report which shall include, at a minimum: (1) a summary of all Annual Status Reports; (2) beginning and ending dates of O&amp;M Covered Activities during the O&amp;M phase; (3) a copy of the table in the MMRP with notes showing when each of the conditions were implemented during O&amp;M of the facility and an assessment of the effectiveness of each of the Conditions of Approval associated with O&amp;M of the Project in minimizing and mitigating Project impacts on Covered Species; (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and (5) any other pertinent information. The O&amp;M Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.</p>	<p>ITP Condition #6.8</p>	<p>No later than 45 days after completion of all O&amp;M phase activities for the Project</p>	<p>Permittee, Designated Biologist</p>	
<p><u>Final Mitigation Report.</u> No later than 45 calendar days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (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 Amended 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. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Quarterly Compliance Report Condition of Approval.</p>	<p>ITP Condition #6.9</p>	<p>No later than 45 calendar days after completion of all mitigation measures</p>	<p>Permittee, Designated Biologist</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>As-Built Development Plans.</u> No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit as-built development plans. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed and shall be verified by the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s). The as-built plans shall be submitted in electronic format (e-mail or other available document repository/share site) to CDFW following the directions provided in the <u>Quarterly Compliance Report</u> Condition of Approval.</p>	ITP Condition #6.10	No later than 45 calendar days after completion of all construction phase Covered Activities	Permittee	
<p><u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Representative shall provide initial notification to CDFW via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the Amended ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office identified in the Quarterly Compliance Report Condition of Approval.</p>	ITP Condition #6.11	Entire Project	Permittee, Designated Biologist or Representative	
<p><u>Notification of Non-Compliance.</u> The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended ITP. The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this Amended ITP and suggested measures to remedy the situation.</p>	ITP Condition #6.12	Entire Project	Designated Biologist or Representative	
<p><u>Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) On Site.</u> The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall be on site during all activities that may result in the take of Covered Species and in accordance with the Compliance Monitoring Condition of Approval.</p>	ITP Condition #7.1	Entire Project	Designated Biologist	
<p><u>Work Hours.</u> Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized; (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention; (3) security patrols, and (4) refueling equipment and staging material for the following day's construction activities.</p> <p>Permittee shall ensure: (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.</p>	ITP Condition #7.2	Entire Project	Permittee	



Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition #7.3	Entire Project	Permittee	
<u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per the <u>SJKF Den Excavation</u> , and/or <u>GKR Burrow Excavation</u> Conditions of Approval. Vehicles left overnight shall be located at least 50 feet from all Covered Species dens or burrows.	ITP Condition #7.4	Entire Project	Permittee	
<u>Vehicle Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if GKR or SJAS are inside a fenced area, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered Species out of harm's way in compliance with the CDFW-approved <u>GKR Mortality Reduction and Relocation Plan</u> .	ITP Condition #7.5	Entire Project	Permittee, Designated Biologist	
<u>Pipe and Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan.	ITP Condition #7.6	Entire Project	Permittee, Designated Biologist	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Excavation Inspection.</u> The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every day. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.</p> <ul style="list-style-type: none"> <li>• Cover: All Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.</li> <li>• Escape Ramp: As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All Excavations shall have an additional escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope for every additional 50 feet of Excavation length. For example, a 50-foot-long Excavation would have two escape ramps and a 100-foot-long Excavation would have three escape ramps.</li> </ul> <p>If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) immediately. Project workers, Designated Biologist(s), and Designated Trapper(s)/Surveyor(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan.</p>	ITP Condition #7.7	Entire Project	Designated Biologist or Monitor	
<p><u>Covered Species Observations.</u> All workers shall inform the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) moves the Covered Species out of harm's way outside of the Project Area and in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan.</p>	ITP Condition #7.8	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report as described in the Notification of Take of Injury Condition of Approval. and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If Covered Species is found deceased, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.</p>	<p>ITP Condition #7.9</p>	<p>Entire Project</p>	<p>Designated Biologist</p>	
<p><u>Pre-Construction Surveys and Reporting.</u> No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall conduct pre construction surveys for SJKF to identify potential, known and/or natal SJKF dens. Pre-construction surveys shall include the entire Project Area including access routes (both existing and new), the solar array development area, the substation, the collector line corridor, the proposed construction right-of-way (ROW) and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW), as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Project Area to identify known and/or natal SJKF dens. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall flag all potential, known, and natal SJKF dens within the Project Area to alert biological and work crews to their presence and in preparation for monitoring.</p> <p>Permittee shall provide the survey results in a written report to CDFW's Regional Representative and Regional Office identified in the <u>Quarterly Compliance Report</u> Condition of Approval within five (5) days after survey completion. The pre-construction survey report shall include, but not be limited to, methodology, date and time of survey(s), results, discussion, and map with buffer distances of the locations of each potential, known, and natal SJKF dens in proximity to Project work areas and plans for avoidance, blocking and/or excavation of den types.</p>	<p>ITP Condition #7.10</p>	<p>No more than 30 calendar days prior to beginning Covered Activities</p>	<p>Designated Biologist, Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>SJKF Den Avoidance</u>. The Permittee shall notify CDFW's Regional Office or Regional Contact immediately via phone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:</p> <p>7.11.1. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered, or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.</p> <p>7.11.2. If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.</p> <p>7.11.3. If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.</p> <p>7.11.4. If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 250 feet shall be established around the den.</p> <p>Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity. Increased no-disturbance buffers will be determined by the Designated Biologist(s) or Designated Surveyor(s) based on their behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow SJKF Den Blockage and SJKF Den Excavation Conditions of Approval as applicable. Unique circumstances, which may allow for a reduced buffer, will be evaluated by CDFW on a case-by-case basis when requested by the Permittee. Specific buffer reductions may only be implemented after written approval from CDFW to do so, and which could require additional and/or ongoing biological monitoring.</p>	<p>ITP Condition #7.11</p>	<p>Entire Project</p>	<p>Permittee</p>	
<p><u>SJKF Den Blockage</u>. The Permittee shall block rather than destroy any den located within the buffer distances prescribed by the SJKF Den Avoidance Condition of Approval, but outside the discrete ground-disturbing Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.</p>	<p>ITP Condition #7.12</p>	<p>Entire Project</p>	<p>Permittee, Designated Biologist</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>SJKF Den Excavation</u>. Dens (including dens in natural substrate and in/beneath man-made structures) that cannot be avoided per the SJKF Den Avoidance Condition of Approval shall be fully excavated by the Designated Biologist(s), Designated Trapper(s)/Surveyor(s) or by the Designated Monitor, both of the latter only under direct supervision of the Designated Biologist(s) for atypical, known, natal, and potential natal dens. Den excavations shall be performed in the following manner for each type of SJKF den:</p> <p>Potential SJKF den: A potential den may be independently excavated by a Designated Trapper(s)/Surveyor(s), or by a Designated Monitor(s) under the direct supervision of a Designated Trapper(s)/Surveyor(s), only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, "keyhole shape" burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF.</p> <p>Known SJKF den: A known SJKF den may be excavated immediately after the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present.</p> <p>Potential and known natal dens: A potential or known SJKF natal den shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW.</p> <p>If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking medium or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be resumed and completed when, in the judgment of the Designated Biologist(s), the individual has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from both agencies prior to proceeding with den excavation. An established SJKF den ESA may be removed once a den has been fully excavated.</p>	<p>ITP Condition #7.13</p>	<p>Entire project</p>	<p>Permittee, Designated Biologist or Monitor</p>	
<p><u>SJKF Den Replacement Plan</u>. Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF dens that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.</p>	<p>ITP Condition #7.14</p>	<p>at least 30 calendar days before starting Covered Activities</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>GKR Mortality Reduction and Relocation Plan.</u> Permittee shall submit a GKR Mortality Reduction and Relocation Plan for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); plans for tracking spatial burrow locations and neighbor-to-neighbor configurations for intended release in identical neighbor-to-neighbor configurations; artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) is authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all GKR mortality reduction activities for the duration of this Amended ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.</p>	<p>ITP Condition #7.15</p>	<p>At least 30 calendar days before starting Covered Activities</p>	<p>Permittee</p>	
<p><u>GKR Pre-Construction Surveys and Reporting.</u> No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential GKR burrows and precincts. Permittee shall provide the results in a GKR Burrow Map and written report to CDFW's Regional Representative at least five calendar days after survey completion. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential GKR burrow and/or precinct, distances of burrow or precincts to Project work areas, and the dates when GKR trapping and relocation will occur as described in the GKR Trapping and Relocation Condition of Approval.</p>	<p>ITP Condition #7.16</p>	<p>No more than 30 calendar days prior to beginning Covered Activities</p>	<p>Designated Biologist(s)</p>	
<p><u>GKR Burrow and Precinct Avoidance.</u> The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall establish a no-disturbance buffer of 50 feet (or greater) around known or suspected GKR burrows and/or precincts that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing (if warranted), live trapping, relocation, and burrow excavation shall occur in accordance with the GKR Live Trapping and Relocation and GKR Burrow Excavation Conditions of Approval. A buffer reduction request may be submitted to CDFW to allow for retaining burrows or precincts that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to GKR post construction. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.</p>	<p>ITP Condition #7.17</p>	<p>Throughout vegetation- or ground-disturbing Covered Activities</p>	<p>Designated Biologist</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<ul style="list-style-type: none"> <li> <p><u>GKR Live Trapping and Relocation</u>. Any potential GKR burrows that cannot be avoided per the <u>GKR Burrow and Precinct Avoidance</u> Condition of Approval shall be live trapped for at least four consecutive nights by the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) prior to commencing ground disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist(s) Designated Trapper(s)/Surveyor(s) shall close all traps for GKR during the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of precipitation that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall close all traps for GKR if the air temperature exceeds 99 degrees Fahrenheit during the trapping period. If the air temperature is predicted to drop below 50 degrees Fahrenheit, traps shall be checked every two (2) hours during the trapping period and extra seed shall be included in each trap. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall place natural batting (e.g. unbleached paper towels) for insulation into each trap and shall replace with new material as needed during each trap check to ensure insulation material is dry and present for the duration of each trap night. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall cease trapping if captured animals are found to be lethargic or otherwise are showing signs of a decrease in body temperature.</p> <p>The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall relocate any captured GKR to the CDFW-approved release site identified in the <u>GKR Mortality Reduction and Relocation Plan</u>. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials at the release location with that individual. Any captured lactating/nursing female or dependent GKR juveniles shall be released immediately and monitored for their specific burrow return and planned for either: (1) future burrow or precinct excavation so adult and dependent young/juvenile(s) can be captured (during excavation) and relocated together; or (2) delaying subsequent trapping at the specific burrow or precinct site to allow for young/juveniles to mature and disperse. The Permittee may submit alternative relocation methods for written approval by CDFW as a part of the <u>GKR Mortality Reduction and Relocation Plan</u>.</p> </li> </ul>	<p>ITP Condition #7.18</p>	<p>Prior to commencing ground disturbing Covered Activities</p>	<p>Designated Biologist</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>GKR Burrow Excavation.</u> Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with the GKR Burrow and Precinct Avoidance Condition of Approval, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist(s), or an approved Designated Trapper(s)/Surveyor(s) or Designated Monitor under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any known or suspected GKR burrows and/or precincts that will be impacted by ground disturbing Covered Activities, according to the approved GKR Mortality Reduction and Relocation Plan. Any Covered Species encountered during burrow excavation shall be relocated according to the approved GKR Mortality Reduction and Relocation Plan to the CDFW-approved release site(s). All burrow excavation shall be completed within 72 hours of the conclusion of live trapping. Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR.</p>	ITP Condition #7.19	Prior to beginning ground disturbing Covered Activities	Designated Biologist	
<p><u>Protection of GKR Food Stores.</u> Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds temporarily with plywood to allow temporary vehicle or foot traffic access, or implement other measures developed in consultation with CDFW.</p>	ITP Condition #7.20	Entire Project	Permittee, Designated Biologist	
<p><u>O&amp;M Covered Activities Requirement.</u> Permittee shall implement all General Provisions and Monitoring, Notification and Reporting Provisions Conditions of Approval of this Amended ITP for all O&amp;M Covered Activities as applicable.</p>	ITP Condition #7.21	Throughout O&M Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) On-site.</u> The CDFW-approved Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.</p>	ITP Condition #7.22	Throughout ground- and vegetation-disturbing activities	Designated Biologist or Monitor	
<p><u>O&amp;M Covered Activities Work Hours.</u> Permittee shall confine any O&amp;M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&amp;M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or species specific take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.</p>	ITP Condition #7.23	Throughout O&M Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities Vehicle Parking.</u> During all O&amp;M Covered Activities or species-specific take minimization measures, Permittee shall not allow vehicles to park on top of potential Covered Species dens or burrows. Vehicles left overnight shall not be located within 50 feet of Covered Species dens (known or potential) or burrows or precincts.</p>	ITP Condition #7.24	Throughout O&M Covered Activities	Permittee	
<p><u>O&amp;M Phase Vehicle and Equipment Inspection.</u> During the O&amp;M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of this Amended ITP.</p>	ITP Condition #7.25	Throughout O&M Covered Activities	Permittee	



Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>O&amp;M Covered Activities Pipes and Materials Inspection.</u> Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email prior to proceeding with eviction of the Covered Species.</p>	<p>ITP Condition #7.26</p>	<p>Throughout O&amp;M Covered Activities</p>	<p>Permittee, Designated Biologist</p>	
<p><u>O&amp;M Covered Activities Covered Species Observations.</u> During all O&amp;M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord or is relocated by the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan and/or GKR Mortality Reduction and Relocation Plan.</p>	<p>ITP Condition #7.27</p>	<p>Throughout O&amp;M Covered Activities</p>	<p>Permittee</p>	
<p><u>O&amp;M Covered Activities SJKF Den Avoidance.</u> Unless otherwise approved in writing by CDFW, if a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF is discovered, prior to conducting ground- or vegetation-disturbing O&amp;M Covered Activities, a minimum 50-foot no disturbance buffer shall be established around the den. If a known den (one that shows evidence of current use or use in the past) is discovered prior to conducting ground- or vegetation-disturbing O&amp;M Covered Activities, Permittee shall establish a minimum no disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with 2 or more openings) is discovered prior to conducting ground- or vegetation-disturbing O&amp;M Covered Activities, a no disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via phone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Area. If these no disturbance buffers cannot be established, then the SJKF Den Blockage or SJKF Den Excavation Conditions of Approval as applicable shall be applied subject to the SJKF Den Replacement Plan.</p>	<p>ITP Condition #7.28</p>	<p>Throughout O&amp;M Covered Activities</p>	<p>Permittee</p>	
<p><u>O&amp;M Covered Activities GKR Burrow Avoidance.</u> Unless otherwise approved by CDFW, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and/or precincts during all O&amp;M vegetation- or ground-disturbing Covered Activities. If the 50-foot no disturbance buffer cannot be established; potential exclusion fencing, live trapping, relocation, and burrow excavation shall occur in accordance with the GKR Specific Take Minimization Measures Conditions of Approval as applicable.</p>	<p>ITP Condition #7.29</p>	<p>Throughout O&amp;M vegetation- or ground-disturbing Covered Activities.</p>	<p>Designated Biologist</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>O&amp;M Covered Activities Covered Species Injury</u>. If a Covered Species is injured as a result of conducting O&amp;M Covered Activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting O&amp;M Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report within two days calendar days of the incident as described in <u>Covered Species Injury</u> Condition of Approval.</p>	<p>ITP Condition #7.29</p>	<p>Throughout O&amp;M Covered Activities</p>	<p>Designated Biologist</p>	
<p><b>Habitat Management Land Acquisition:</b> CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall provide for both the permanent protection and management of 210 acres of Habitat Management (HM) lands (see Figure 2) pursuant to the Habitat Management Lands Acquisition and Protection Condition of Approval and the calculation and deposit of the management funds pursuant to the Endowment Fund Condition of Approval.</p> <p>CDFW has conceptually approved of the appropriateness of 210 acres of HM lands on a portion of a 248-acre parcel (hereafter "mitigation parcel") as suitable to meet the HM Lands requirement of this Amended ITP. The Assessor's Parcel Number (APN) for the entire parcel, which includes areas north and south of Devil's Den Road, is 048-320-038. The mitigation parcel has high quality, functionally suitable habitat for the Covered Species. Prior to final approval of HM lands, CDFW shall review the information submitted as described in the HM Lands Documentation Condition of Approval.</p> <p>The permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this Amended ITP if Security is provided pursuant to the Security Condition of Approval, for all uncompleted obligations.</p>	<p>ITP Condition #8.0</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:</p> <ol style="list-style-type: none"> <li>1. Land acquisition costs for HM lands identified in the <u>Habitat Management Lands Acquisition and Protection</u> Condition of Approval, estimated at <b>\$8,000/acre</b> for 210 acres: <b>\$1,680,000.00</b>. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</li> <li>2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the <u>Fee Title</u> and <u>Conservation Easement</u> Condition of Approval estimated at: <b>\$443,750.00</b>;</li> <li>3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the <u>Start-up Activities</u> Condition of Approval, estimated at: <b>\$145,225.00</b>;</li> <li>4. Interim management period funding as described in the <u>Interim Management (Initial and Capital)</u> Condition of Approval, estimated at: <b>\$64,909.00</b>;</li> <li>5. Long-term management funding as described in the <u>Endowment Fund</u> Condition of Approval, estimated at <b>\$4,134.67/acre</b> for 210 acres: <b>\$868,281.00</b>. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</li> <li>6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the <u>Reimburse CDFW</u> Condition of Approval, estimated at: <b>\$12,000.00</b>.</li> <li>7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work estimated at: <b>\$42,000.00</b>.</li> </ol>	<p>ITP Condition #8.1</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Habitat Management Lands Acquisition and Protection.</u> 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:</p> <ol style="list-style-type: none"> <li>1. <u>Fee Title.</u> Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.</li> <li>2. <u>Conservation Easement.</u> If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.</li> <li>3. <u>HM Lands Approval.</u> Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.</li> <li>4. <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.</li> <li>5. <u>Land Manager.</u> Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.</li> </ol>	<p>ITP Condition #8.2</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>6. <u>Start-up Activities</u>. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&amp;inline</a>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.</p> <p>7. <u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment 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.</p> <p>Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>				
<p><u>Endowment Fund</u>. 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 Amended 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 Amended ITP, the conservation easement, and the management plan required by the Land Manager Condition of Approval. Endowment as used in this Amended ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions, and appreciation thereon. The Endowment shall be governed by this Amended ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this Amended ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	<p>ITP Condition #8.3</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	<p>ITP Condition #8.3.1</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	
<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval, the results of the endowment assessment before transferring funds to the Endowment Manager.</p> <ol style="list-style-type: none"> <li>1. <u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</li> <li>2. <u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> <li>• 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.</li> <li>• Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</li> <li>• 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.</li> </ul> </li> </ol>	<p>ITP Condition #8.3.2</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	<p>ITP Condition #8.3.3</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	
<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this Amended ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>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.</p> <p>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.</p>	<p>ITP Condition #8.3.4</p>	<p>Entire Project</p>	<p>Endowment Manager</p>	
<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this Amended 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.</p>	<p>ITP Condition #8.4</p>	<p>Prior to starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><b>Security:</b> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by the <u>Habitat Management Land Acquisition</u> Condition of Approval that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> <li>• <u>Security Amount.</u> The Security shall be in the amount of <b>\$3,256,165.00</b> or in the amount identified in the <u>Cost Estimates</u> Condition of Approval specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the <u>Cost Estimates</u> Condition of Approval, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</li> <li>• <u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Attachment 3), or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</li> <li>• <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP or by October 31, 2024, whichever occurs first.</li> <li>• <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</li> <li>• <u>Security Transmittal.</u> Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</li> <li>• <u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this Amended ITP.</li> <li>• <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> <li>○ Written documentation of the acquisition of the HM lands;</li> <li>○ Copies of all executed and recorded conservation easements;</li> <li>○ Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>○ Timely submission of all required reports.</li> </ul> </li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this Amended ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	<p>ITP Condition #9.0</p>	<p>Prior to Covered Activities or within 30 days after the effective date of the ITP</p>	<p>Permittee</p>	



ATTACHMENT 2

Biologist Resume Form





Department of Fish and Wildlife

**BIOLOGIST RESUME FORM**

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

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

**SECTION I. NAME AND CONTACT INFORMATION**

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

**SECTION II. EDUCATION**

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

**SECTION III. ROLE(S) AND PERMIT REQUIREMENTS**

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions <sup>2</sup> :	

**SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY**

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

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

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

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

**SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS**

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

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

<sup>4</sup> 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 “designated monitor.”

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

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

<sup>7</sup> CNDDDB is the abbreviation for California Natural Diversity Database.

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

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

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

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

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

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

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

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

ATTACHMENT 3

Letter of Credit Form



Attachment 3

**[Financial institution letterhead]**

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

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Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

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

**[Name of financial institution]**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_

ATTACHMENT A

CERTIFICATE FOR DRAWING

**[CDFW Letterhead]**

**[Date]**

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

**[CDFW Letterhead]**

**[Date]**

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT 4

Mitigation Payment Transmittal Form

State of California - Department of Fish and Wildlife  
**MITIGATION PAYMENT TRANSMITTAL FORM**  
 DFW 1057 (NEW 07/28/17)

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

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

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

2081 Permit   
  Conservation Bank   
  2835 NCCP   
  1802 Agreement   
  1600 Agreement   
  Other \_\_\_\_\_

\_\_\_\_\_

Project Tracking Number

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

Check information:

Total \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Account No. \_\_\_\_\_ Bank Routing No. \_\_\_\_\_

a. Endowment: for Long-Term Management                      Subtotal \$ \_\_\_\_\_

b. Habitat Enhancement    Subtotal \$ \_\_\_\_\_

c. Security:

1. Cash Refundable Security Deposit                      Subtotal \$ \_\_\_\_\_

2. Letter of Credit    Subtotal \$ \_\_\_\_\_

1. Financial Institution: \_\_\_\_\_

2. Letter of Credit Number: \_\_\_\_\_

3. Date of Expiration: \_\_\_\_\_

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

ATTACHMENT 5

Major Amendment No. 3 with Track Changes



## Attachment 5

### Amended Incidental Take Permit No. 2081-2022-037-04 (Amendment No. 3)

#### 1) Amended ITP Background

##### I. Amended ITP<sup>1</sup> Background:

On April 10, 2024, CDFW issued Incidental Take Permit No. 2081-2022-037-04 (ITP) to SF Azalea, LLC (Permittee) authorizing take of San Joaquin kit fox ([SJKF](#), *Vulpes macrotis mutica*) San Joaquin antelope squirrel ([SJAS](#), *Ammospermophilus nelsoni*), and giant kangaroo rat ([GKR](#), *Dipodomys ingens*) (collectively, the Covered Species) associated with and incidental to the Azalea Hybrid Power Project in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW included the construction, operation, and maintenance of a photovoltaic (PV) solar facility and associated infrastructure on over 395 acres of a 640-acre property with an additional 2.70-acres of development required for the associated generation tie line (gen-tie). In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

On August 26, 2024, CDFW issued a CDFW-initiated Major Amendment No. 1 which removed San Joaquin antelope squirrel as a Covered Species from this ITP. Permittee originally requested take coverage for San Joaquin antelope squirrel but subsequently removed the species from their ITP application. San Joaquin antelope squirrel was inadvertently included as a Covered Species in the ITP. Further, CDFW also included in the Major amendment the option for a Designated Trapper(s)/Surveyor(s) and an extension of time in which the security must be provided. [Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081\(b\)\(2\), the resulting impacts to the Covered Species remained the same with Amendment No. 1.](#)

~~On August 6, 2024, CDFW received a request from the Permittee for a minor amendment to the ITP, as amended, and on August 15, 2024, CDFW received the corresponding fee payment. The Permittee seeks September 17, 2024, CDFW issued Minor Amendment No. 2 to revise the southern boundary of the Project site involving a reduction and an extension of the Project fence line. The revision consists of an overall reduction in the extent of the fenced solar facility from approximately 552 acres to approximately 520 acres. While the area encompassed by the perimeter fence has been reduced, a new area totaling approximately 7.5 acres will extend beyond the original boundary. Regardless of the fencing boundary reduction and extension, the total Covered Species impact acreage (i.e. 397.7 acres) remains unchanged. and replace Figure 1 will be with a revised map to reflect the new Project fence line boundary. fence boundary at the southern portion of the Project site; the 397.7 impact acreage remained unchanged. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 1.~~

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<sup>1</sup> When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" unless the context dictates otherwise.

On November 18, 2024, CDFW received a request from the Permittee for a major amendment to modify the ITP as follows:

- Revise the trench check requirements for non-workdays in some situations;
- Revise the SJKF den avoidance, blockage, and excavation requirements to allow potential SJKF den excavation (SJKF dens without SJKF sign or presence) without prior monitoring with tracking medium or camera trapping; and
- Revise the avoidance buffer requirements to ensure that requests to reduce the avoidance buffer distance for potential SJKF dens could be evaluated in accordance with the GKR avoidance measure, if there is no sign of current or past use by SJKF.

This Major Amendment No. 3 makes the following changes to the existing ITP, as amended:

- ITP Condition of Approval 6.4 (Quarterly Compliance Reports) and XIII. Notices section was updated to reflect the current CDFW Regional Representative;
- ITP Condition of Approval 7.7 (Excavation Inspection) was revised to reduce trench checks to be performed only on workdays and after rainfall that would wash out escape ramps for excavations with effective covers and escape ramps, and multiple escape ramps to be installed for trenches greater than 50 feet in length;
- ITP Condition of Approval 7.11 (SJKF Den Avoidance) was revised to require buffer increases when SJKF are stressed and to allow buffer reduction requests; and
- ITP Condition of Approval 7.13 (SJKF Den Excavation) was revised to clarify that potential SJKF dens may be excavated prior to monitoring with tracking medium or camera trapping.

CDFW finds that this Amendment is a ~~Minor~~Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(45). Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW’s previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

~~This Minor Amendment No. 2 makes the following change to the existing ITP, as amended:~~

- ~~1. This minor amendment will replace Figure 1 with a revised map to reflect the new fenced boundary at the southern portion of the Project site.~~

CDFW now reissues this ITP including the revised provisions in all previous and this ~~second Minor~~third Major Amendment (collectively, the Amended ITP). The Amended ITP includes all the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the original ITP as a result of this ~~Minor~~Major Amendment.

**2) Conditions of Approval – Monitoring, Notification and Reporting Provision 6.4, Take Minimization Measure 7.7, and San Joaquin Kit Fox (SJKF) Specific Take Minimization Measures 7.11, and 7.13**

**6.4. Quarterly Compliance Report (Construction Phase).** The Designated Representative, Designated Biologist(s), or Designated Trapper(s)/Surveyor(s) shall compile the observation and inspection records identified during Compliance Monitoring, described above, into a Quarterly Compliance Report during the construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, Regional Office ([RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)) and Headquarters CESA Program ([CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov)) no later than the 15<sup>th</sup> day of the month following the reporting period. At the time of the original ITP's approval, the Regional Representative is ~~Jim Vang ([jim.vang@wildlife.ca.gov](mailto:jim.vang@wildlife.ca.gov))~~ Alya Wakeman-Hill ([alya.wakeman-hill@wildlife.ca.gov](mailto:alya.wakeman-hill@wildlife.ca.gov)), the Regional Office e-mail is [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov), and the Headquarters CESA Program e-mail is [CESA@wildlife.ca.gov](mailto: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.

**7.7. Excavation Inspection.** The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall thoroughly inspect all trenches, ~~open~~ holes, sumps, and other excavations (collectively, Excavations) within the Project Area ~~at the beginning and end of each day~~ for Covered Species and other trapped animals. ~~All trenches, holes, sumps every day. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and other excavations after rain events that could wash out escape ramps.~~

- Cover: All Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the ~~excavation~~Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope: as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall oversee the covering of all such ~~excavations~~Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of ~~excavation~~Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. ~~Each morning, the end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall thoroughly inspect them for Covered Species.~~ The Designated Biologist(s),

Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall also thoroughly inspect any ~~trenches, holes, sumps, or other excavations~~ Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.

- Escape Ramp: As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All Excavations shall have an additional escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope for every additional 50 feet of Excavation length. For example, a 50-foot-long Excavation would have two escape ramps and a 100-foot-long Excavation would have three escape ramps.

If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) immediately. Project workers, Designated Biologist(s), and Designated Trapper(s)/Surveyor(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan.

~~7.10.7.11.~~ SJKF Den Avoidance. The Permittee shall notify ~~U.S. Fish and Wildlife Service (USFWS) and~~ CDFW's Regional Office or Regional Contact immediately via phone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:

~~7.10.1-7.11.1.~~ 7.11.1. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered, or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.

~~7.10.2-7.11.2.~~ 7.11.2. If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.

~~7.10.3-7.11.3.~~ 7.11.3. If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.

~~7.10.4-7.11.4.~~ 7.11.4. If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 250 feet shall be established around the den.

Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity. Increased no-disturbance buffers will be determined by the Designated Biologist(s) or Designated Surveyor(s) based on their

behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow SJKF Den Blockage and SJKF Den Excavation Conditions of Approval as applicable. Unique circumstances, which may allow for a reduced buffer, will be evaluated by CDFW on a case-by-case basis when requested by the Permittee. Specific buffer reductions may only be implemented after written approval from CDFW to do so, and which could require additional and/or ongoing biological monitoring.

- 7.13. SJKF Den Excavation.** ~~Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den.~~ Dens (including dens in natural substrate and in/beneath man-made structures) that cannot be avoided per the SJKF Den Avoidance Condition of Approval ~~Destruction of all types of SJKF dens shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside.~~ Dens to be destroyed shall be fully excavated by the Designated Biologist(s), Designated Trapper(s)/Surveyor(s) or by the Designated Monitor, both of the latter only under direct supervision of the Designated Biologist(s) for atypical, known, natal, and potential natal dens. Den excavations shall be performed in the following manner for each type of SJKF den:

Potential SJKF den: A potential den may be independently excavated by a Designated Trapper(s)/Surveyor(s), or by a Designated Monitor(s) under the direct supervision of a Designated Trapper(s)/Surveyor(s), only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, “keyhole shape” burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF.

Known SJKF den: A known SJKF den may be excavated immediately after the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present.

Potential and known natal dens: A potential or known SJKF natal den shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW.

If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking medium or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be resumed and completed when, in the judgment of the Designated Biologist(s), the individual has escaped from the partially

excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. -Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, ~~USFWS and~~ CDFW shall be consulted, and Permittee shall obtain written guidance from both agencies prior to proceeding with den ~~destruction~~ excavation. An established SJKF den ESA may be removed once a den ~~is destroyed~~ has been fully excavated.

\* \* \*

### 3) Notices

#### XIII. Notices:

Written notices, reports and other communications relating to this Amended 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 Amended ITP Number (2081-2022-037-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4005  
[RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)

and a copy to:

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

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

[Jim Vang](#)

[Alya Wakeman-Hill](#)

California Department of Fish and Wildlife

1234 East Shaw Avenue

Fresno, California

(559) ~~580-3203317-7335~~

[Jim.Vangalya.wakeman-hill@wildlife.ca.gov](mailto:Jim.Vangalya.wakeman-hill@wildlife.ca.gov)

\* \* \*

#### 4) Attachments

##### XVI. Attachments:

FIGURE 1	Vicinity Map
FIGURE 2	Proposed HM Lands Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
ATTACHMENT 5	<del>Minor</del> <a href="#">Major</a> Amendment No. <del>23</del> with Track Changes