



California Department of Fish and Wildlife
Central Region
1234 E SHAW AVENUE
FRESNO, CA 93710

California Endangered Species Act
Incidental Take Permit No. 2081-2024-061-04

SANBORN 2.0 SOLAR PROJECT

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

Permittees:	Sanborn Solar, LLC; EdSan 1C Solar, LLC; EdSan 1C Solar Storage, LLC; EdSan 2A Solar Storage, LLC; EdSan 2B Solar Storage, LLC; Edwards Sanborn Reserve, LLC
Principal Officer:	Simon Day, VP and Head of Solar Development, sday@terra-gen.com
Contact Person:	Amy Fuller, 619-994-2532, afuller@terra-gen.com
Mailing Address:	11455 El Camino Real, Suite 160 San Diego, CA 92130

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **January 1, 2058**.

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

III. Project History

Construction of the Sanborn 2.0 Solar Project (Project) began prior to issuance of this ITP and prior to the Covered Species protection under CESA. Following the listing of the Covered Species as a

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

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

Candidate pursuant to CESA, Permittees implemented and have maintained no-work buffers around Covered Species burrows. Take authorization provided herein is only valid following the date of ITP issuance and in accordance with all ITP pre-construction Conditions of Approval.

IV. Project Location:

The Project is located an unincorporated area within southeastern Kern County. The Project is located approximately one mile south of Mojave, 17 miles southeast of the City of Tehachapi, and 10 miles north of the community of Rosamond at approximately 35.028880°, -118.152651°. The Project Area is bounded by California State Route 14 to the west and California State Route (SR) 58 to the north (Figure 1).

V. Project Description:

The Project includes construction, operation, and maintenance of 1,215 acres of undeveloped land into a 220 megawatt (MW) solar energy facility with up to 4 gigawatt hours (GWh) of battery energy storage. Project activities will be performed over 34 years in two phases, 18 months of Construction followed by 32.5 years of Operations and Maintenance.

Project Access

The Project will have multiple access points to the Project Area shown in Figure 1. The northern portion of the Project Area (north of the railroad) will be accessed from SR58 by way of Lone Butte Road. The southern portion of the Project Area (south of the railroad) will be accessed from Purdy Avenue and United Streets. The southern portion of the Project Area will be accessed from United Street.

Construction

Project activities will be performed during the construction phase to install Project facilities and access roads to maintain these facilities. All Project activities will be restricted to daytime hours from 7am to 7pm Monday through Saturday due to existing Kern County ordinances. Project facilities are mapped in Figure 1 and include:

- Solar Photovoltaic (PV) Generating Facilities and Solar Modules
- Battery Energy Storage System (BESS)
- Power Collection, Interconnection lines, Collector Substation, and Transmission lines
- Collector Substation
- Operations and Maintenance Facility
- Telecommunication Facilities
- On-site Access Roads
- Site Access and Security Systems (i.e., fencing, motion-sensor lighting)
- Retention Basins
- Temporary Construction Facilities

Prior to the construction of Project facilities, the site will be prepared using site preparation (vegetation clearing and grubbing, mow-and-roll vegetation clearance), earthwork (grading, scraping, ground-leveling, soil compaction, trenching, drilling, pile driving), dust control, and other similar vegetation- and ground-disturbing activities. Following the ground being cleared, hydroseeding will be performed to stabilize the soils to prevent dust and erosion over the long-term. Dust control using only water will be performed during all ground-disturbing activities and prior to all dust-producing activities.

Following site preparation, laydown yards depicted in Figure 1 will be used for temporary offices, equipment and material unloading and storage, worker parking, and other construction-related activities.

During construction, the construction contractor will prepare a Stormwater Pollution Prevention Plan (SWPPP) and soil erosion and sedimentation control plan to reduce potential impacts related to Project construction. Temporary wind control fence, sediment and erosion controls will be installed in accordance with the SWPPP and will be removed for the Operation & Maintenance phase.

Each Project facility will be installed in the following manner:

- *Array installation* - The arrays will consist of a single-axis tracking system. Construction of the PV arrays will include installation of support piles, module rail assemblies, PV modules, inverters, transformers, and buried electrical cables. System installation will begin with steel foundation piles driven into the soil using pneumatic techniques. Mounting structure piles will be spaced approximately 25 feet apart and installed to a revealed height of approximately 4 feet above grade depending on the existing slope. Steel I-beams, approximately 12 feet long, will be used to support foundation installation. They will be driven into the ground with a pile driver to a depth of approximately 7 to 8 feet with no concrete. This activity will be followed by module rail assembly, panel installation and electrical work. Inverter pads are expected to be mounted on skids with pile foundations. Within the PV arrays, trenching will occur for placement of underground medium voltage alternating current (AC) electrical lines and communication lines. Cable trays will be attached to the PV modules to carry direct current (DC) electrical lines.
- *Collector Substation* - One on-site collector substation will be constructed within the Project Area. The open-air collector substation will be constructed north of Purdy Avenue and west of United Street. The footprint, approximately 300 feet by 300 feet, will be sized to accommodate all required equipment and will consist of components up to 80 feet in height. Concrete footings and pads will be constructed for the transformer footings and pads. The collector substation will have a grounding grid installed in the footprint and the entire area will be covered with concrete or aggregate surfacing.

- *Medium Voltage AC (MVAC) line installation* – Trenching will be required for placement of underground MVAC electrical and communication lines. Underground MVAC lines are placed within access roads, where feasible, to minimize disturbance.
- *Energy Storage System* - The energy storage batteries will be housed in shipping containers approximately 30 to 35 feet long. The batteries will be housed in open-air style racking inside the shipping containers, which will be equipped with heating, ventilation, and air conditioning (HVAC) as well as a fire suppression system. The associated inverters, transformers, and switchgear will be located adjacent to the structures on driven steel pier foundations. Power to the HVAC, lighting, and other systems will be provided via a connection to the on-site collector substation service transformer with connection lines installed above ground and/or below ground.
- *Grid Interconnection* – From the collector substation, the energy generated will interconnect with the existing 230-kV Sanborn generation tie line, which heads west to the SCE-owned Windhub substation. The interconnection would be within the Project Area via the existing Sunward switching station or via a direct tap into the existing line along Purdy Avenue.
- *Access Roads* –New unpaved roads will be constructed to enhance the existing road network to the PV arrays as depicted in Figure 1. Access roads will be up to 25 feet wide and will be cleared and compacted for travel and access to the PV arrays. Access roads will be compacted to 90 percent or greater, as required, to support construction and emergency vehicles. Aggregate or decomposed granite will be used to meet emergency access requirements for access roads across streams. Other access roads will be graded only. Trenching and subsequent backfilling will occur within access road alignments for collector line installation. Site access roads will remain in place for ongoing operations and maintenance activities after construction is completed.
- *Perimeter fence* – Permanent security fencing was installed around the perimeter of Project Area prior to issuance of this ITP (Figure 1) Locking gates were installed at the roads entering the site. Perimeter fencing consists of galvanized chain-link fabric and dust control slats with an additional one foot of barbed wire at the top. Concrete was used for fencing on the terminal posts, at corner posts, and at gate posts. Maintenance of the existing fencing will be conducted during the construction phase, as needed.
- *Lighting system* – A security/safety lighting system will be constructed on the collector substation to provide illumination for both normal and emergency conditions. Lighting will be designed to provide the minimum illumination needed to achieve safety and security. Lighting will be downward-facing and shielded to focus illumination on the desired areas only and to minimize light trespass. No permanent artificial lighting will be installed in the PV arrays.

- *Retention Basin* –Retention basins will be constructed in the Project Area to control and redirect potential flood waters on site. Upon completion of basin installation, the stored topsoil will be replaced over the disturbed area of the basin to help restore the site and support vegetation growth.

Equipment needed for the construction phase includes, but is not limited to: earthwork scrapers, excavators, bulldozers, water trucks, paddlewheels, haul vehicles, graders, smooth steel drum roller, trenchers, backhoes, compaction equipment, pile drivers, hydroseeding equipment, hand tools, mowers, and weed-eaters.

All waste, debris, and construction equipment will be removed from the site following the initial construction phase. Laydown yards or other areas temporarily disturbed during construction outside of the permanently fenced portions of the Project Area that are not needed for facility operational activities will be revegetated by hydroseeding or other broadcast application with a seed mix.

Operations & Maintenance (O&M)

Facility operation will occur year-round. Personnel will be onsite as needed for O&M Project activities including: site security and management, repair and maintenance of Project facilities (including buried collector lines), fence and gate maintenance, mowing and vegetation control, trash pickup, and panel washing.

Equipment needed to complete these O&M Project activities include, but are not limited to: water trucks, trencher, excavator, haul vehicles, hand tools, powered sprayers, mowers, and weed-eaters.

Operations of inverters and battery energy storage systems will be primarily performed remotely from an offsite operations facility; however, small satellite portable office trailers may be utilized to help facilitate rapid repair of equipment. In the event these are needed, they will be placed within the perimeter fence, adjacent to the solar arrays.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
Western burrowing owl (<i>Athene cunicularia hypugaea</i> ; BUOW)	Candidate ⁴

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

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

⁴The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

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 that are expected to result in incidental take of individuals of the Covered Species include: site preparation (vegetation clearing and grubbing, mow-and-roll vegetation clearance), earthwork (grading, cut/fill activities, scraping, ground-leveling, backfilling, hauling, soil compaction, trenching, drilling, pile driving), hydroseeding and broadcast seeding, wiring and transmission line installation/protection (trenching), placement of concrete and/or asphalt, access road construction (aggregate or decomposed granite crushing, preparation and installation), fence maintenance, lighting installation and maintenance, dust control, erosion control, vehicle traffic, heavy equipment traffic, moving materials, on-going vegetation management (grubbing, mowing, weed-eating), installation and maintenance of Project facilities and equipment, trash and debris removal, maintenance of staging and storage areas for equipment and materials, maintenance of parking lots for heavy machinery and personnel vehicles, panel washing, and other Project-related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as entombment from burrow collapse during ground disturbing activities and deposition of stockpiled material or spoils, vehicle and equipment strikes, crushing by equipment and materials, increased predation influenced by Project activities removing refuge, collisions with Project facilities, and exposure to predation and subsequent loss of eggs, young, or fledglings due to nest abandonment. Incidental take of individuals of the Covered Species may also occur from Covered Activities in the form of pursuit, catch, or capture or attempt to do so, by entrapment in equipment, facilities and materials as well as displacement and nest abandonment from increased human presence or Covered Activity-related noise/vibrations, relocation of individuals during salvage efforts required by this ITP, installation of one-way doors, and excavation of burrows used for nesting and refuge. Direct impacts to foraging and nesting Covered Species habitat could affect migrating individuals and the fitness of young raised in close proximity to the Project due to reduced or disrupted foraging opportunities that reduce the ability of the parent to acquire food for their dependent young. Ground disturbing activities could result in a temporary reduction of prey species for Covered Species and temporary impacts on nesting success in burrows near the Project. The areas where authorized take of the Covered Species is expected to occur include the solar arrays, inverters, substation, collector lines, access road system, energy storage system, and all constructed facilities within the security fencing boundary.

The Project is expected to cause the permanent loss of 1,215 acres of habitat for the Covered Species. 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 caused by approximately 15,000 acres of cumulative solar development in the immediate vicinity of the Project. These impacts include: stress resulting from noise and vibrations from increased vehicle traffic and Covered Activities, artificial lighting, fugitive dust, entrapment in excavations, entrapment in equipment, entrapment in materials, and long-term

effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, increased vulnerability to predation, prey reduction, habitat fragmentation, habitat degradation, habitat modification or changes in vegetation that could result in a change in preferred forage, and altered behavior that could interfere with foraging and reproduction.

VIII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittees, their employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture of Covered Species as authorized by this 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 cause take. CDFW’s issuance of this ITP and Permittees’ authorization to take the Covered Species are subject to Permittees’ compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittees shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittees shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Sanborn Solar Project Final Environmental Impact Report (EIR) (SCH No.: #2019060259) certified by the Kern County Board of Supervisors on June 16, 2020. An Addendum to this Final EIR was approved by the Kern County Board of Supervisors on September 13, 2022. The Kern County Planning and Natural Resources Department operates on behalf of the Kern County Board of Supervisors as the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittees shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreements (Notification Nos. EPIMS-KER-30500-R4 and EPIMS-KER-56425-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittees 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 (ESA), unless those terms and conditions are less protective of the Covered Species or otherwise conflict with the conditions of this ITP. In those instances, the Conditions of Approval set forth in this ITP shall control.

5. ITP Time Frame Compliance: Permittees shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

6. General Provisions:

6.1. Designated Representative. Before performing BUOW Exclusion Activities, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittees shall notify CDFW in writing before performing BUOW Exclusion Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

6.2. Designated Biologist(s) and Designated Monitor(s). Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before performing BUOW Exclusion Activities. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).

Permittees shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, construction monitoring under an ITP, and exclusion techniques (installation of burrow blocking devices, camera monitoring, etc.) of the Covered Species as well as excavation of burrows previously used by the Covered Species. Permittees shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, and construction monitoring of the Covered Species. The Designated Biologist(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. Permittees shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before performing BUOW Exclusion Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.

6.3. Designated Biologist(s) and Designated Monitor(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittees shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitors(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then the Designated Biologist(s) or Designated Monitor(s) shall notify the CDFW Representative immediately. Permittees 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) 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 ITP.

6.4. Education Program. Permittees shall conduct an education program for all persons employed or otherwise working in the Project Area before performing BUOW Exclusion Activities. The program shall consist of a presentation from the Designated Biologist(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 ITP.

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

6.5. Construction Monitoring Documentation. The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittees shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.

- 6.6. Trash Abatement.** Permittees shall initiate a trash abatement program before performing BUOW Exclusion Activities and shall continue the program for the duration of the Project. Permittees shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control.** Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittees shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction or O&M activities without specific prior written approval by CDFW. Permittees shall not apply dust suppressant, surfactant, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.
- 6.8. Erosion Control Materials.** Permittees 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. Permittees shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 6.9. Delineation of Property Boundaries.** Before performing BUOW Exclusion Activities Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees 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.
- 6.10. Project Access.** Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 6.11. Delineation of Ingress and Egress Routes.** Permittees 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.
- 6.12. Staging Areas.** Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area of this ITP.
- 6.13. Hazardous Waste.** Permittees 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. Permittees 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.

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

- 6.14. CDFW Access.** Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.15. Refuse Removal.** Upon completion of Covered Activities, Permittees shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 6.16. 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.
- 6.17. Pesticide Prohibition.** Permittees shall not use pesticides including but not limited to rodenticides, herbicides, and insecticides on the Project Area without prior written approval from CDFW. This also prohibits the use of any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) and any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.

- 6.18. Dogs.** Permittees 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.
- 6.19. Firearm Prohibition.** Construction personnel shall not be permitted to bring firearms into the Project Area.
- 6.20. Wildfire Avoidance.** Permittees or Permittees' 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.
- 6.21. Work Hours.** Permittees 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.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before performing BUOW Exclusion Activities during the Construction phase and before the initiation of the O&M phase of 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.
- 7.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittees are not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.3. Compliance Monitoring.** The Designated Biologist(s) shall be on-site daily for the duration of each day that vegetation- and ground-disturbing Covered Activities occur. The Designated Biologist(s) shall be on-site for the duration of any vegetation or ground disturbing, non-emergency Covered Activities that are performed at night. The Designated Biologist or

Designated Monitor shall conduct compliance inspections at least monthly during periods of inactivity and after clearing, grubbing, and grading are completed for the entire Project Area. The Designated Biologist(s) and 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 ITP.

The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones; and
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

7.4. CDFW Notification and Report Submittal. All Notifications and Reports required by this ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's issuance, the CDFW Regional Representative is Jim Vang (Jim.Vang@wildlife.ca.gov), Regional Office (R4.RRR@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov. If requested, hard copies may be mailed to the CDFW offices listed in the **Notices** section of this ITP.

7.5. Quarterly Compliance Report (Construction Phase). The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Compliance Monitoring Condition of Approval 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 to CDFW per the CDFW Notification and Report Submittal Condition of Approval no later than the 15th day of the month following the reporting period. 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 Permittees in writing of the new reporting schedule.

7.6. Annual Status Report (Construction Phase and O&M Phase). Permittees shall provide CDFW with an Annual Status Report during the Construction phase and O&M phase no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in the per the CDFW Notification and Report Submittal Condition of Approval. Each Annual Status Report shall include, at a minimum:

- (1) a summary of all Quarterly Compliance Reports for that year identified in the Quarterly Compliance Report Condition of Approval;
- (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;
- (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; and
- (8) (Only during the Construction phase) a written and mapped accounting of the number of acres subject to disturbance, both for the Reporting Period, and a total since ITP issuance.

7.7. Emergency Nightwork. Permittees shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the Annual Status Report.

7.8. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.

- During the Construction phase, the Designated Biologist 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 O&M phase, the Designated Biologist shall include copies of the submitted forms with the next Annual Status Report.

7.9. As-Built Development Plans. No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittees shall submit as-built development plans following the directions provided in the CDFW Notification and Report Submittal Condition of Approval. 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).

7.10. 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, Permittees shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the CDFW Notification and Report Submittal Condition of Approval.

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.

7.11. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the CDFW Notification and Report Submittal Condition of Approval.

The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum:

- (1) a summary of 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 ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species;
- (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and
- (8) any other pertinent information.

7.12. Notification of Take or Injury. Permittees shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW within 24 hours of discovery via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken, injured, summary of next steps that will be taken, and the ITP Number.

Following initial notification, Permittees shall email CDFW a written report within two calendar days following the directions provided in the CDFW Notification and Report Submittal Condition of Approval. This written report shall include, but is not limited to: the date and time of the finding or incident, location of the animal or carcass, available photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.

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

8.1. Construction Phase Covered Activities Take Minimization Measures. Permittees shall implement all **General Provisions** and **Monitoring, Notification and Reporting Provisions** Conditions of Approval of this ITP for all Construction Covered Activities as applicable.

8.1.1. Designated Biologist(s) On Site. The Designated Biologist(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.

8.1.2. Vehicle Parking. Permittees 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 BUOW Burrow Excavation Condition of Approval. Vehicles left overnight shall be staged in a manner following the BUOW Burrow Avoidance Condition of Approval.

8.1.3. 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) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may passively encourage the Covered Species to move away from the vehicle or equipment, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan (Condition of Approval below).

8.1.4. 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) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may passively encourage the Covered Species to move away from the pipes, culverts, or

similar structures, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan (Condition of Approval below).

- 8.1.5. BUOW Mortality Reduction Plan. Permittees shall submit a BUOW Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW prior to commencing BUOW burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities (collectively termed BUOW Exclusion Activities). BUOW Exclusion Activities shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist, are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.

Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

- 8.1.6. BUOW Burrow Replacement Plan. Permittees shall replace each known BUOW burrow (as defined in the BUOW Burrow Avoidance Condition of Approval) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittees shall submit a BUOW Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW within 30 days of ITP issuance. Implementation of the BUOW Burrow Replacement Plan shall not proceed until this plan has been approved in writing by CDFW. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.

Once the BUOW Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to the implementation of any proposed modifications.

8.1.7. BUOW Pre-Construction Surveys and Reporting. The Designated Biologist(s) shall conduct surveys to identify potential, known, and/or nesting BUOW burrows (as defined in the BUOW Burrow Avoidance Condition of Approval) prior to beginning BUOW Exclusion Activities in each distinct Work Area(s) (a work site/phase within the Project Area. Surveys shall include the Work Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct Work Area(s)), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the BUOW Burrow Blockage and BUOW Burrow Excavation Conditions of Approval, unless avoided per the BUOW Burrow Avoidance Condition of Approval. Permittees shall provide the preconstruction survey results with a Burrow Map (see Burrow Map Condition of Approval) in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each distinct Work Area(s). The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting).

8.1.8. Burrow Map. The Designated Biologist shall provide a KMZ map to CDFW of all BUOW burrows found during the surveys performed per the BUOW Pre-Construction Surveys and Reporting Condition of Approval. The map shall show details and locations of all BUOW sightings and potential, known, and nesting BUOW burrows as defined in the BUOW Burrow Avoidance Condition of Approval. The map shall include an outline of the Project Area and any distinct Work Area(s) surveyed within the Project Area, title, north arrow, scale bar, and legend.

8.1.9. BUOW Burrow Avoidance. The Permittees shall establish no-disturbance buffer zones around potential, known and nesting BUOW burrows according to the following guidelines:

- If a potential BUOW burrow (any subterranean hole three inches or larger for which no evidence is present to conclude that the burrow is being used or any past use by a BUOW) is discovered, the Permittees shall establish a minimum a 50-foot no-disturbance buffer around the burrow.

- If a known BUOW burrow (a burrow that shows evidence the burrow is being used, known to have been used, or past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittees shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area).
- If a nesting BUOW burrow used for nesting (e.g. known BUOW burrow indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area, the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (February 1 to August 31).

If BUOW burrows cannot be avoided as described above, then the Permittees shall follow the BUOW Burrow Blockage, BUOW Burrow Excavation, and BUOW Mortality Reduction Plan Conditions of Approval as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.

The buffers prescribed above shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect the BUOW using known or nesting BUOW burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the nest, then the Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.

- 8.1.10. BUOW Burrow Blockage. Where CDFW has approved a buffer reduction, the Permittees shall block rather than destroy any BUOW Burrow located within the buffer distances prescribed by the BUOW Burrow Avoidance Condition of Approval, but outside the

discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with infrared camera and determined that BUOW is not currently present. Nesting BUOW nest burrows shall not be blocked until biological and camera monitoring confirm that the chicks and adults have vacated the burrow and/or the chicks have fledged, and are no longer dependent on the nest, and CDFW provides written concurrence. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist or Designated Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW regains access to the burrow, the Permittees shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.

8.1.11. BUOW Burrow Excavation. The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known or potential burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the BUOW Burrow Avoidance Condition of Approval and that are within the Project Area. Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area. If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittees shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow.

- Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after 4 consecutive 24-hour periods of monitoring with infrared cameras. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside.
- Potential BUOW burrows without any signs of BUOW use or characteristics suggesting it is a BUOW burrow may be excavated under the direct supervision of the Designated Biologist without camera monitoring.

- Nesting BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and then only after written concurrence from CDFW.
- 8.1.12. Restrictions for Nightwork. Permittees shall ensure that any nightwork done in the vicinity of an occupied BUOW burrow follows the BUOW Burrow Avoidance Condition of Approval. Permittees shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on BUOW habitat beyond the Project Area. The Designated Biologist shall be on-site during all non-emergency vegetation or ground disturbing Covered Activities performed at night. Permittees 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.
- 8.1.13. BUOW Injury. If a BUOW is injured or found dead within the vicinity of the Project Area, the Permittees shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail as described in the Notification of Take or Injury Condition of Approval. The Designated Biologist shall follow the BUOW Mortality Reduction Plan to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittees shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).
- 8.1.14. BUOW Observations and Notification. All workers shall inform the Designated Biologist if BUOW is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the BUOW which could harm the individual, shall cease until the individual moves from the Project Area of its own accord or the Designated Biologist passively encourages the individual to move out of harm's way, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan.
- 8.2. O&M Phase Covered Activities Take Minimization Measures**. Permittees shall implement all **General Provisions** and **Monitoring, Notification and Reporting Provisions** Conditions of Approval of this ITP for all O&M Covered Activities as applicable.
- 8.2.1. O&M Covered Activities Designated Biologist On-site. The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities. The Designated Biologist shall be on-site during all non-emergency ground- and vegetation-disturbing Covered Activities performed at night.

- 8.2.2. O&M Covered Activities Work Hours. Permittees 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 BUOW take minimization measures as applicable. Permittees 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.
- 8.2.3. O&M Covered Activities Vehicle Parking. During all O&M Covered Activities or BUOW take minimization measures, Permittees shall not allow vehicles to park on top of potential Covered Species burrows. Vehicles left overnight shall not be located within 50 feet of Covered Species (known or potential) burrows.
- 8.2.4. 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 shall be contacted to passively encourage the Covered Species to move away from the vehicle or equipment, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan.
- 8.2.5. O&M Covered Activities Pipes and Materials Inspection. Permittees shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittees shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist 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. Alternatively, the Designated Biologist may passively encourage the Covered Species to move away from the pipes, culverts, or similar structures, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan.
- 8.2.6. O&M Ground- and Vegetation-Disturbing Covered Activities. The BUOW Pre-Construction Surveys and Reporting Condition of Approval shall be implemented within 30 calendar days prior to commencing ground- or vegetation-disturbing Covered Activities during the O&M phase in each distinct Work Area(s) within the Project Area. If the Designated Biologist identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the BUOW Burrow Blockage and BUOW Burrow

Excavation Conditions of Approval, unless avoided per the BUOW Burrow Avoidance Condition of Approval.

8.2.7. O&M Covered Activities BUOW Observations. During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(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 the Designated Biologist passively encourages the individual to move out of harm’s way, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan.

8.2.8. O&M Covered Activities BUOW Injury. If a BUOW is injured or found dead within the vicinity of the Project Area, the Permittees shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail as described in the Notification of Take or Injury Condition of Approval. The Designated Biologist shall follow the BUOW Mortality Reduction Plan to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittees shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).

9. 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 Permittees shall either purchase a minimum of **1,215 acres** of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to the Covered Species Credits Condition of Approval or shall provide for both the permanent protection and management of **1,215 acres** of Habitat Management (HM) lands 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. The Permittees have proposed one or more specific properties known as “Dawn Ranch” as HM lands. CDFW has conceptually agreed to the biological appropriateness of some of the “Dawn Ranch” parcels as they are comprised of high-quality Covered Species habitat and are known to be occupied by the Covered Species in high to moderate densities. Conservation of the “Dawn Ranch” properties may be augmented with additional management activities and/or habitat enhancements that benefit the Covered Species as part of the final mitigation package. Should

conservation of 1,215 acres of suitable “Dawn Ranch” parcels be infeasible, Permittees shall ensure that an alternative 1,215 acres of HM Lands are provided which are comparable or better in habitat quality than the “Dawn Ranch” lands, and that they are occupied by the Covered Species and consist of high to moderate habitat quality for the Covered Species. Purchase of Covered Species credits or permanent protection and funding for perpetual management of HM lands must be complete before performing BUOW Exclusion Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to the Security Condition of Approval below for all uncompleted obligations.

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

- 9.1.1. Land acquisition costs for HM lands identified in the Habitat Management Lands Acquisition and Protection Condition of Approval below, estimated at \$2698.00/acre for 1,215 acres: **\$3,278,070.00**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements.
- 9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Conservation Easement Condition of Approval below: **\$541,100.00**.
- 9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Start-up Activities Condition of Approval below, estimated at **\$501,269.72**.
- 9.1.4. Interim management period funding as described in the Interim Management (Initial and Capital) Condition of Approval below, estimated at **\$196,660.85**.
- 9.1.5. Long-term management funding as described in the Endowment Fund Condition of Approval below, estimated at **\$1,299,201.70**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Reimburse CDFW Condition of Approval, estimated at **\$13,600.00**.

9.1.7. 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 **\$45,479.00**.

9.2. Covered Species Credits. If the Permittees elect to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittees shall purchase 1,215 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this ITP if Security is provided pursuant to the Security Condition of Approval below. Prior to purchase of Covered Species credits, Permittees shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittees shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.

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

9.3.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended;

9.3.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the

conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

- 9.3.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 9.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 9.3.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Permittees shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion;
- 9.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) developing and transferring Geographic Information Systems (GIS) data if applicable; (3) establishing initial fencing; (4) conducting litter removal; (5) conducting initial habitat restoration or enhancement, if applicable; and (6) installing signage;
- 9.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittees 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.

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

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

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

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

Permittees 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 Permittees’ written proposal, CDFW shall inform Permittees 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 Permittees with a written explanation of the reasons for its determination. If CDFW does not provide Permittees with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

9.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittees 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 Permittees shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

9.4.2.1. Capitalization Rate and Fees. Permittees shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.

9.4.2.2. Endowment Buffers/Assumptions. Permittees shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

9.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

9.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

9.4.3. Transfer Long-term Endowment Funds. Permittees shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

9.4.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

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

10. Security: The Permittees may proceed with BUOW Exclusion Activities only after the Permittees have 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. Permittees shall provide Security as follows:

10.1. Security Amount. The Security shall be in the amount of **\$5,875,381.27** 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 sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

- 10.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline.** The Security shall be provided to CDFW before starting Covered Activities within previously established avoidance buffers or within 90 days after the effective date of this ITP, whichever occurs first.
- 10.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal.** Permittees shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittees have failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittees after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by either:

Credit Purchase

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits.

Habitat Management Land Acquisition

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

Even if Security is provided, the Permittees must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24 months from the effective date of this ITP. CDFW may require the Permittees 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 Permittees do not complete these requirements within the specified timeframe.

X. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittees as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

XI. Stop-Work Order:

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

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

XII. Liability:

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

XIII. Compliance with Other Laws:

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

XIV. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittees. Notices, reports, and other communications shall reference the Project name, Permittees, and ITP Number (2081-2024-061-04) 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

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

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

Jim Vang
California Department of Fish and Wildlife
1234 East Shaw Avenue, Fresno, CA 93710
Telephone: (559) 580-3203
Jim.Vang@wildlife.ca.gov

XV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Sanborn Solar Project Final EIR (SCH No.: 2019060259) certified by the Kern County Board of Supervisors on June 16, 2020. The Addendum to this Final EIR was approved by the Kern County Board of Supervisors on September 13, 2022. At the

time the lead agency certified the EIR and approved the Project, they also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

XVI. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Sanborn Solar Project EIR and Addendum, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

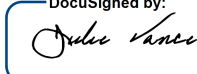
- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW’s estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 1,215 acres of compensatory habitat that is part of a larger regional conservation strategy (e.g. “Dawn Ranch”) and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittees’ objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittees have ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species’ capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW’s findings are based, in part, on CDFW’s express authority to amend the terms and conditions of this ITP without concurrence of the Permittees as necessary to avoid jeopardy and as required by law.

XVII. Attachments:

FIGURE 1	Map of Project Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 1/6/2025

DocuSigned by:

 EA83E09EE08945A

Julie A. Vance, Regional Manager
Central Region

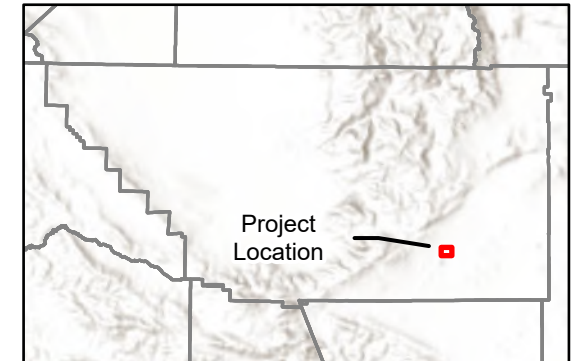
FIGURE 1

Map of Project Area

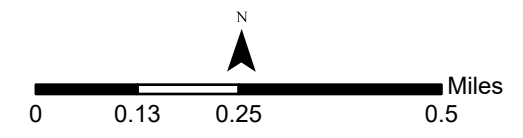


Sanborn 2.0 Solar Project

Kern County, CA
Site Plan



- Proposed Project Features**
- Project Boundary
 - Collector Substation
 - Laydown Yard
 - Existing Sunward Switchyard
 - BESS Yard
 - PV Array
 - Inverters
 - Basins
 - Roads
 - Fenceline
 - Access Point



Scale is 1:15,000 when printed at 11"x17"
Not for Construction

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. 2081-2024-061-04

**PERMITTEE: Sanborn Solar, LLC; EdSan 1C Solar, LLC; EdSan
1C Solar Storage, LLC; EdSan 2A Solar Storage,
LLC; EdSan 2B Solar Storage, LLC; Edwards
Sanborn Reserve, LLC**

PROJECT: Sanborn 2.0 Solar Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Designated Representative.</u> Before performing BUOW Exclusion Activities, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittees shall notify CDFW in writing before performing BUOW Exclusion Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.</p>	<p>ITP Condition # 6.1</p>	<p>Before performing BUOW Exclusion Activities</p>	<p>Permittee</p>	
<p><u>Designated Biologist(s) and Designated Monitor(s).</u> Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before performing BUOW Exclusion Activities. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).</p> <p>Permittees shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, construction monitoring under an ITP, and exclusion techniques (installation of burrow blocking devices, camera monitoring, etc.) of the Covered Species as well as excavation of burrows previously used by the Covered Species. Permittees shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, and construction monitoring of the Covered Species. The Designated Biologist(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. Permittees shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before performing BUOW Exclusion Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.</p>	<p>ITP Condition # 6.2</p>	<p>Before performing BUOW Exclusion Activities and Entire Project</p>	<p>Permittee</p>	
<p><u>Designated Biologist(s) and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittees shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitors(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then the Designated Biologist(s) or Designated Monitor(s) shall notify the CDFW Representative immediately. Permittees 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) 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 ITP.</p>	<p>ITP Condition # 6.3</p>	<p>Entire Project</p>	<p>CDFW</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Education Program.</u> Permittees shall conduct an education program for all persons employed or otherwise working in the Project Area before performing BUOW Exclusion Activities. The program shall consist of a presentation from the Designated Biologist(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 ITP.</p>	ITP Condition # 6.4	Before performing BUOW Exclusion Activities and Entire Project	Permittee	
<p><u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittees shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.</p>	ITP Condition # 6.5	Entire Project	Permittee	
<p><u>Trash Abatement.</u> Permittees shall initiate a trash abatement program before performing BUOW Exclusion Activities and shall continue the program for the duration of the Project. Permittees 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 # 6.6	Before performing BUOW Exclusion Activities and Entire Project	Permittee	
<p><u>Dust Control.</u> Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittees shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction or O&M activities without specific prior written approval by CDFW. Permittees 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 # 6.7	Before performing BUOW Exclusion Activities and Entire Project	Permittee	
<p><u>Erosion Control Materials.</u> Permittees 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. Permittees shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.</p>	ITP Condition # 6.8	Entire Project	Permittee	
<p><u>Delineation of Property Boundaries.</u> Before performing BUOW Exclusion Activities Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees 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 # 6.9	Before performing BUOW Exclusion Activities	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.</p>	ITP Condition # 6.10	Entire Project	Permittee	
<p><u>Delineation of Ingress and Egress Routes.</u> Permittees 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.</p>	ITP Condition # 6.11	Entire Project	Permittee	
<p><u>Staging Areas.</u> Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area of this ITP.</p>	ITP Condition # 6.12	Entire Project	Permittee	
<p><u>Hazardous Waste.</u> Permittees 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. Permittees 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>Permittees shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within 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 # 6.13	Entire Project	Permittee	
<p><u>CDFW Access.</u> Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.</p>	ITP Condition # 6.14	Entire Project	Permittee	
<p><u>Refuse Removal.</u> Upon completion of Covered Activities, Permittees 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 # 6.15	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 # 6.16	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Pesticide Prohibition.</u> Permittees shall not use pesticides including but not limited to rodenticides, herbicides, and insecticides on the Project Area without prior written approval from CDFW. This also prohibits the use of any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) and any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.	ITP Condition # 6.17	Entire Project	Permittee	
<u>Dogs.</u> Permittees 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.	ITP Condition # 6.18	Entire Project	Permittee	
<u>Firearm Prohibition.</u> Construction personnel shall not be permitted to bring firearms into the Project Area.	ITP Condition # 6.19	Entire Project	Permittee	
<u>Wildfire Avoidance.</u> Permittees or Permittees' 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.	ITP Condition # 6.20	Entire Project	Permittee	
<u>Work Hours.</u> Permittees 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.	ITP Condition # 6.21	Entire Project	Permittee	
<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW before performing BUOW Exclusion Activities during the Construction phase and before the initiation of the O&M phase of 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.	ITP Condition # 7.1	Before performing BUOW Exclusion Activities	Permittee	
<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittees are not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Compliance Monitoring.</u> The Designated Biologist(s) shall be on-site daily for the duration of each day that vegetation- and ground-disturbing Covered Activities occur. The Designated Biologist(s) shall be on-site for the duration of any vegetation or ground disturbing, non-emergency Covered Activities that are performed at night. The Designated Biologist or Designated Monitor shall conduct compliance inspections at least monthly during periods of inactivity and after clearing, grubbing, and grading are completed for the entire Project Area. The Designated Biologist(s) and 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 ITP.</p> <p>The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and <p>ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.</p>	ITP Condition # 7.3	Entire Project	Permittee	
<p><u>CDFW Notification and Report Submittal.</u> All Notifications and Reports required by this ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's issuance, the CDFW Regional Representative is Jim Vang (Jim.Vang@wildlife.ca.gov), Regional Office (R4.RRR@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov. If requested, hard copies may be mailed to the CDFW offices listed in the Notices section of this ITP.</p>	ITP Condition # 7.4	Entire Project	Permittee	
<p><u>Quarterly Compliance Report (Construction Phase).</u> The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the <u>Compliance Monitoring</u> Condition of Approval 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 to CDFW per the <u>CDFW Notification and Report Submittal</u> Condition of Approval no later than the 15th day of the month following the reporting period. 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 Permittees in writing of the new reporting schedule.</p>	ITP Condition # 7.5	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Annual Status Report (Construction Phase and O&M Phase)</u>. Permittees shall provide CDFW with an Annual Status Report during the Construction phase and O&M phase no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the <u>Final Mitigation Report</u> identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in the per the <u>CDFW Notification and Report Submittal</u> Condition of Approval. Each Annual Status Report shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all <u>Quarterly Compliance Reports</u> for that year identified in the Quarterly Compliance Report Condition of Approval; (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; (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; and (8) (Only during the Construction phase) a written and mapped accounting of the number of acres subject to disturbance, both for the Reporting Period, and a total since ITP issuance. 	ITP Condition # 7.6	Entire Project	Permittee	
<p><u>Emergency Nightwork</u>. Permittees shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the <u>Annual Status Report</u>.</p>	ITP Condition # 7.7	Entire Project	Permittee	
<p><u>CNDDDB Observations</u>. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.</p> <ul style="list-style-type: none"> • During the Construction phase, the Designated Biologist shall include copies of the submitted forms with the next <u>Quarterly Compliance Report</u> or <u>Annual Status Report</u>, whichever is submitted first relative to the observation. • During the O&M phase, the Designated Biologist shall include copies of the submitted forms with the next <u>Annual Status Report</u>. 	ITP Condition # 7.8	Entire Project	Permittee	

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, Permittees shall submit as-built development plans following the directions provided in the <u>CDFW Notification and Report Submittal</u> Condition of Approval. 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).</p>	ITP Condition # 7.9	Post-Construction Phase	Permittee	
<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, Permittees shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the <u>CDFW Notification and Report Submittal</u> Condition of Approval.</p> <p>The Construction Phase Conditions of Approval Evaluation Report which shall include, at a minimum:</p> <ol style="list-style-type: none"> (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 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. 	ITP Condition # 7.10	Post-Construction Phase and after completion of mitigation	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Final Mitigation Report</u>. No later than 45 days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the <u>CDFW Notification and Report Submittal Condition of Approval</u>.</p> <p>The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of 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 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 <p>any other pertinent information.</p>	ITP Condition # 7.11	Post-Operations and Maintenance (O&M) Phase and after completion of mitigation	Permittee	
<p><u>Notification of Take or Injury</u>. Permittees shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW within 24 hours of discovery via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken, injured, summary of next steps that will be taken, and the ITP Number.</p> <p>Following initial notification, Permittees shall email CDFW a written report within two calendar days following the directions provided in the <u>CDFW Notification and Report Submittal Condition of Approval</u>. This written report shall include, but is not limited to: the date and time of the finding or incident, location of the animal or carcass, available photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.</p>	ITP Condition # 7.12	Entire Project	Permittee	
<p><u>Construction Phase Covered Activities Take Minimization Measures</u>. Permittees shall implement all General Provisions and Monitoring, Notification and Reporting Provisions Conditions of Approval of this ITP for all Construction Covered Activities as applicable.</p>	ITP Condition # 8.1	Construction Phase	Permittee	
<p><u>Designated Biologist(s) On Site</u>. The Designated Biologist(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 # 8.1.1	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Vehicle Parking</u>. Permittees 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>BUOW Burrow Excavation</u> Condition of Approval. Vehicles left overnight shall be staged in a manner following the <u>BUOW Burrow Avoidance</u> Condition of Approval.</p>	ITP Condition # 8.1.2	Construction Phase	Permittee	
<p><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) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may passively encourage the Covered Species to move away from the vehicle or equipment, in compliance with the timing and methods identified in the <u>BUOW Mortality Reduction Plan</u> (Condition of Approval below).</p>	ITP Condition # 8.1.3	Construction Phase	Permittee	
<p><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) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may passively encourage the Covered Species to move away from the pipes, culverts, or similar structures, in compliance with the timing and methods identified in the <u>BUOW Mortality Reduction Plan</u> (Condition of Approval below).</p>	ITP Condition # 8.1.4	Construction Phase	Permittee	
<p><u>BUOW Mortality Reduction Plan</u>. Permittees shall submit a BUOW Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW prior to commencing BUOW burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities (collectively termed BUOW Exclusion Activities). BUOW Exclusion Activities shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist, are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.</p> <p>Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.</p>	ITP Condition # 8.1.5	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Burrow Replacement Plan</u>. Permittees shall replace each known BUOW burrow (as defined in the <u>BUOW Burrow Avoidance</u> Condition of Approval) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittees shall submit a BUOW Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW within 30 days of ITP issuance. Implementation of the BUOW Burrow Replacement Plan shall not proceed until this plan has been approved in writing by CDFW. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.</p> <p>Once the BUOW Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to the implementation of any proposed modifications.</p>	ITP Condition # 8.1.6	Construction Phase	Permittee	
<p><u>BUOW Pre-Construction Surveys and Reporting</u>. The Designated Biologist(s) shall conduct surveys to identify potential, known, and/or nesting BUOW burrows (as defined in the <u>BUOW Burrow Avoidance</u> Condition of Approval) prior to beginning BUOW Exclusion Activities in each distinct Work Area(s) (a work site/phase within the Project Area. Surveys shall include the Work Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct Work Area(s)), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the <u>BUOW Burrow Blockage</u> and <u>BUOW Burrow Excavation</u> Conditions of Approval, unless avoided per the <u>BUOW Burrow Avoidance</u> Condition of Approval. Permittees shall provide the preconstruction survey results with a Burrow Map (see <u>Burrow Map</u> Condition of Approval) in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each distinct Work Area(s). The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting).</p>	ITP Condition # 8.1.7	Construction Phase	Permittee	
<p><u>Burrow Map</u>. The Designated Biologist shall provide a KMZ map to CDFW of all BUOW burrows found during the surveys performed per the <u>BUOW Pre-Construction Surveys and Reporting</u> Condition of Approval. The map shall show details and locations of all BUOW sightings and potential, known, and nesting BUOW burrows as defined in the <u>BUOW Burrow Avoidance</u> Condition of Approval. The map shall include an outline of the Project Area and any distinct Work Area(s) surveyed within the Project Area, title, north arrow, scale bar, and legend.</p>	ITP Condition # 8.1.8	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Burrow Avoidance</u>. The Permittees shall establish no-disturbance buffer zones around potential, known and nesting BUOW burrows according to the following guidelines:</p> <ul style="list-style-type: none"> • If a <u>potential BUOW burrow</u> (any subterranean hole three inches or larger for which no evidence is present to conclude that the burrow is being used or any past use by a BUOW) is discovered, the Permittees shall establish a minimum a 50-foot no-disturbance buffer around the burrow. • If a <u>known BUOW burrow</u> (a burrow that shows evidence the burrow is being used, known to have been used, or past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittees shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area). • If a <u>nesting BUOW burrow</u> used for nesting (e.g. known BUOW burrow indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area, the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (February 1 to August 31). <p>If BUOW burrows cannot be avoided as described above, then the Permittees shall follow the <u>BUOW Burrow Blockage</u>, <u>BUOW Burrow Excavation</u>, and <u>BUOW Mortality Reduction Plan</u> Conditions of Approval as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.</p> <p>The buffers prescribed above shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect the BUOW using known or nesting BUOW burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the nest, then the Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.</p>	<p>ITP Condition # 8.1.9</p>	<p>Construction Phase</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Burrow Blockage</u>. Where CDFW has approved a buffer reduction, the Permittees shall block rather than destroy any BUOW Burrow located within the buffer distances prescribed by the <u>BUOW Burrow Avoidance</u> Condition of Approval, but outside the discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with infrared camera and determined that BUOW is not currently present. Nesting BUOW nest burrows shall not be blocked until biological and camera monitoring confirm that the chicks and adults have vacated the burrow and/or the chicks have fledged, and are no longer dependent on the nest, and CDFW provides written concurrence. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist or Designated Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW regains access to the burrow, the Permittees shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.</p>	<p>ITP Condition # 8.1.10</p>	<p>Construction Phase</p>	<p>Permittee</p>	
<p><u>BUOW Burrow Excavation</u>. The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known or potential burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the <u>BUOW Burrow Avoidance</u> Condition of Approval and that are within the Project Area. Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area. If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittees shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow.</p> <ul style="list-style-type: none"> • Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after 4 consecutive 24-hour periods of monitoring with infrared cameras. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside. • Potential BUOW burrows without any signs of BUOW use or characteristics suggesting it is a BUOW burrow may be excavated under the direct supervision of the Designated Biologist without camera monitoring. • Nesting BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and then only after written concurrence from CDFW. 	<p>ITP Condition # 8.1.11</p>	<p>Construction Phase</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Restrictions for Nightwork.</u> Permittees shall ensure that any nightwork done in the vicinity of an occupied BUOW burrow follows the <u>BUOW Burrow Avoidance</u> Condition of Approval. Permittees shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on BUOW habitat beyond the Project Area. The Designated Biologist shall be on-site during all non-emergency vegetation or ground disturbing Covered Activities performed at night. Permittees 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 # 8.1.12	Construction Phase	Permittee	
<p><u>BUOW Injury.</u> If a BUOW is injured or found dead within the vicinity of the Project Area, the Permittees shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail as described in the <u>Notification of Take or Injury</u> Condition of Approval. The Designated Biologist shall follow the <u>BUOW Mortality Reduction Plan</u> to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittees shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).</p>	ITP Condition # 8.1.13	Construction Phase	Permittee	
<p><u>BUOW Observations and Notification.</u> All workers shall inform the Designated Biologist if BUOW is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the BUOW which could harm the individual, shall cease until the individual moves from the Project Area of its own accord or the Designated Biologist passively encourages the individual to move out of harm's way, in compliance with the timing and methods identified in the <u>BUOW Mortality Reduction Plan</u>.</p>	ITP Condition # 8.1.14	Construction Phase	Permittee	
<p><u>O&M Phase Covered Activities Take Minimization Measures.</u> Permittees shall implement all General Provisions and Monitoring, Notification and Reporting Provisions Conditions of Approval of this ITP for all O&M Covered Activities as applicable.</p>	ITP Condition # 8.2	O&M Phase	Permittee	
<p><u>O&M Covered Activities Designated Biologist On-site.</u> The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities. The Designated Biologist shall be on-site during all non-emergency ground- and vegetation-disturbing Covered Activities performed at night.</p>	ITP Condition # 8.2.1	O&M Phase	Permittee	
<p><u>O&M Covered Activities Work Hours.</u> Permittees 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 BUOW take minimization measures as applicable. Permittees 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 # 8.2.2	O&M Phase	Permittee	
<p><u>O&M Covered Activities Vehicle Parking.</u> During all O&M Covered Activities or BUOW take minimization measures, Permittees shall not allow vehicles to park on top of potential Covered Species burrows. Vehicles left overnight shall not be located within 50 feet of Covered Species (known or potential) burrows.</p>	ITP Condition # 8.2.3	O&M Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>O&M Phase Vehicle and Equipment Inspection.</u> 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 shall be contacted to passively encourage the Covered Species to move away from the vehicle or equipment, in compliance with the timing and methods identified in the <u>BUOW Mortality Reduction Plan.</u></p>	ITP Condition # 8.2.4	O&M Phase	Permittee	
<p><u>O&M Covered Activities Pipes and Materials Inspection.</u> Permittees shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittees shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist 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. Alternatively, the Designated Biologist may passively encourage the Covered Species to move away from the pipes, culverts, or similar structures, in compliance with the timing and methods identified in the <u>BUOW Mortality Reduction Plan.</u></p>	ITP Condition # 8.2.5	O&M Phase	Permittee	
<p><u>O&M Ground- and Vegetation-Disturbing Covered Activities.</u> The <u>BUOW Pre-Construction Surveys and Reporting</u> Condition of Approval shall be implemented within 30 calendar days prior to commencing ground- or vegetation-disturbing Covered Activities during the O&M phase in each distinct Work Area(s) within the Project Area. If the Designated Biologist identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the <u>BUOW Burrow Blockage</u> and <u>BUOW Burrow Excavation</u> Conditions of Approval, unless avoided per the <u>BUOW Burrow Avoidance</u> Condition of Approval.</p>	ITP Condition # 8.2.6	O&M Phase	Permittee	
<p><u>O&M Covered Activities BUOW Observations.</u> During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(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 the Designated Biologist passively encourages the individual to move out of harm's way, in compliance with the timing and methods identified in the <u>BUOW Mortality Reduction Plan.</u></p>	ITP Condition # 8.2.7	O&M Phase	Permittee	
<p><u>O&M Covered Activities BUOW Injury.</u> If a BUOW is injured or found dead within the vicinity of the Project Area, the Permittees shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail as described in the <u>Notification of Take or Injury</u> Condition of Approval. The Designated Biologist shall follow the <u>BUOW Mortality Reduction Plan</u> to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittees shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).</p>	ITP Condition # 8.2.8	O&M Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>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.</p> <p>To meet this requirement, the Permittees shall either purchase a minimum of 1,215 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to the <u>Covered Species Credits</u> Condition of Approval or shall provide for both the permanent protection and management of 1,215 acres of Habitat Management (HM) lands pursuant to the <u>Habitat Management Lands Acquisition and Protection</u> Condition of Approval and the calculation and deposit of the management funds pursuant to the <u>Endowment Fund</u> Condition of Approval. The Permittees have proposed one or more specific properties known as "Dawn Ranch" as HM lands. CDFW has conceptually agreed to the biological appropriateness of some of the "Dawn Ranch" parcels as they are comprised of high-quality Covered Species habitat and are known to be occupied by the Covered Species in high to moderate densities. Conservation of the "Dawn Ranch" properties may be augmented with additional management activities and/or habitat enhancements that benefit the Covered Species as part of the final mitigation package. Should conservation of 1,215 acres of suitable "Dawn Ranch" parcels be infeasible, Permittees shall ensure that an alternative 1,215 acres of HM Lands are provided which are comparable or better in habitat quality than the "Dawn Ranch" lands, and that they are occupied by the Covered Species and consist of high to moderate habitat quality for the Covered Species. Purchase of Covered Species credits or permanent protection and funding for perpetual management of HM lands must be complete before performing BUOW Exclusion Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to the <u>Security</u> Condition of Approval below for all uncompleted obligations.</p>	<p>ITP Condition # 9</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance 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> <p>9.1.1. Land acquisition costs for HM lands identified in the <u>Habitat Management Lands Acquisition and Protection</u> Condition of Approval below, estimated at \$2698.00/acre for 1,215 acres: \$3,278,070.00. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements.</p> <p>9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the <u>Conservation Easement</u> Condition of Approval below: \$541,100.00.</p> <p>9.1.3. 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 below, estimated at \$501,269.72.</p> <p>9.1.4. Interim management period funding as described in the <u>Interim Management (Initial and Capital)</u> Condition of Approval below, estimated at \$196,660.85.</p> <p>9.1.5. Long-term management funding as described in the <u>Endowment Fund</u> Condition of Approval below, estimated at \$1,299,201.70. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>9.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the <u>Reimburse CDFW</u> Condition of Approval, estimated at \$13,600.00.</p> <p>9.1.7. 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 \$45,479.00.</p>	<p>ITP Condition #9.1</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)</p>	<p>Permittee</p>	
<p><u>Covered Species Credits.</u> If the Permittees elect to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittees shall purchase 1,215 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this ITP if Security is provided pursuant to the <u>Security</u> Condition of Approval below. Prior to purchase of Covered Species credits, Permittees shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittees shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.</p>	<p>ITP Condition #9.2</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)</p>	<p>Permittee</p>	

<p><u>Habitat Management Lands Acquisition and Protection</u>. If the Permittees elect to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittees shall:</p> <p>9.3.1. <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;</p> <p>9.3.2. <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.</p> <p>9.3.3. <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;</p> <p>9.3.4. <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;</p> <p>9.3.5. <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. Permittees 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;</p> <p>9.3.6. <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) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) developing and transferring Geographic Information Systems (GIS) data if applicable;</p>	<p>ITP Condition #9.3</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)</p>	<p>Permittee</p>	
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Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>(3) establishing initial fencing; (4) conducting litter removal; (5) conducting initial habitat restoration or enhancement, if applicable; and (6) installing signage;</p> <p>9.3.7. <u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittees 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>Permittees shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittees, 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 Permittees elect to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittees shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittees shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by the Management Plan Condition of Approval. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittees shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	<p>ITP Condition #9.4</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance 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>Permittees 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 Permittees' written proposal, CDFW shall inform Permittees 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 Permittees with a written explanation of the reasons for its determination. If CDFW does not provide Permittees with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	<p>ITP Conditions #9.4.1</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance 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, Permittees 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 Permittees shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p> <p>9.4.2.1. <u>Capitalization Rate and Fees.</u> Permittees shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p> <p>9.4.2.2. <u>Endowment Buffers/Assumptions.</u> Permittees shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>9.4.2.2.1. <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>9.4.2.2.2. <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>9.4.2.2.3. <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p>	<p>ITP Conditions #9.4.2</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance 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> Permittees shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	<p>ITP Conditions #9.4.3</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance 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 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. Permittees 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 Conditions #9.4.4</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)</p>	<p>Permittee</p>	
<p><u>Reimburse CDFW.</u> Permittees shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	<p>ITP Conditions #9.5</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)</p>	<p>Permittee</p>	

<p>Security: The Permittees may proceed with BUOW Exclusion Activities only after the Permittees have 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. Permittees shall provide Security as follows:</p> <p>10.1. <u>Security Amount.</u> The Security shall be in the amount of \$5,875,381.27 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 sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p> <p>10.2. <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.</p> <p>10.3. <u>Security Timeline.</u> The Security shall be provided to CDFW before starting Covered Activities within previously established avoidance buffers or within 90 days after the effective date of this ITP, whichever occurs first.</p> <p>10.4. <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>10.5. <u>Security Transmittal.</u> Permittees shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p>10.6. <u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittees have failed to comply with the Conditions of Approval of this ITP.</p> <p>10.7. <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittees after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by either:</p> <p><u>Credit Purchase</u></p> <ul style="list-style-type: none"> • Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits. <p><u>Habitat Management Land Acquisition</u></p> <ul style="list-style-type: none"> • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; and • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment. <p>Even if Security is provided, the Permittees must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24 months from the effective date of this ITP. CDFW may require the Permittees 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 Permittees do not complete these requirements within the specified timeframe.</p>	<p>ITP Condition # 10</p>	<p>Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)</p>	<p>Permittee</p>	
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ATTACHMENT 2

Biologist Resume Form

ATTACHMENT 2



Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Number of Resumes Included in Transmittal: _____

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

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



Department of Fish and Wildlife

BIOLOGIST RESUME FORM

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

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

SECTION I. NAME AND CONTACT INFORMATION

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

SECTION II. EDUCATION

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

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

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

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

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

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

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

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

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

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

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

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

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

⁷ CNDDDB is the abbreviation for California Natural Diversity Database.

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

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

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

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

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

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

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

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

ATTACHMENT 3

Letter of Credit Form

ATTACHMENT 3

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

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

[Name of financial institution]

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

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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

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

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

Project Tracking Number

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

Check information:

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

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

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

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