



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

California Endangered Species Act
 Incidental Take Permit No. 2081-2025-006-04

PASTORIA SOLAR GEN-TIE 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.). Additional prohibitions found in Fish and Game Code section 5050 prohibit the take of fully protected reptiles. Section 2081.15 to the Fish and Game Code allows CDFW to authorize the take of a fully protected reptile listed in subdivision (b) of section 5050 resulting from impacts attributable to the implementation of a solar photovoltaic project and any appurtenant infrastructure improvement, and any associated electric transmission project carrying electric power from a facility that is located in the State to a point of junction with any California-based balancing authority if the conditions set forth in Fish and Game Code section 2081.15, subdivisions (a)-(f) and section 2081, subdivisions (b) and (c) are met (See Cal. Code Regs., tit. 14, § 783.4, and Senate Bill No. 147, stats. 2023).

Permittee:	Pastoria Solar Energy Company, LLC
Principal Officer:	Mitchell D. Weinberg, Vice President, Calpine Corporation, mitchell.weinberg@calpine.com
Contact Person:	Frank Escobedo, Director, Strategic Origination & Development, Calpine Corporation 951-522-2509, frank.escobedo@calpine.com
Mailing Address:	3003 Oak Road, Suite 400, Walnut Creek, CA 94597

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 July 31, 2026.

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

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

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

III. Project Location:

The Pastoria Solar Gen-Tie Project (Project) is within an unincorporated area in southern Kern County, California, east of the intersection of U.S. Highway 99 and Interstate 5 (I-5) and approximately 3 miles east of the unincorporated community of Grapevine. The City of Bakersfield, located approximately 25 miles to the north, is the nearest metropolitan area in relation to the site (Figure 1). The Project Area consists of three distinct work areas located along a larger solar project's generation tie-in (gen-tie) line over a 0.14-acre area and are within and adjacent to corresponding streams of the same name (C-03 and C-04) (Figure 2). Project-related minimization measures will occur within a 50-foot buffer (1.49 acres) around the three distinct work areas, for a total Project Area of 1.63 acres.

Project Access

Primary access to the Project Area will be along an existing 0.63-mile (3,350-foot) dirt road extending north from Edmonston Pumping Plant Road (see Figure 1). This roadway bisects the site, creating a west solar field and an east solar field, and will provide for through traffic from south of the site. An existing unpaved farm road on a section line parallels the majority of the gen-tie alignment and leads from the solar project to the Pastoria Energy Facility and shared project substation.

IV. Project Description:

The Project includes work at a gen-tie line that connects the proposed Pastoria Solar Project, a 115 megawatt (MW) solar photovoltaic electrical generating facility with up to 80 MW of energy storage west of the Project, to the existing Pastoria Energy Facility Lebec switchyard east of the Project (see Figures 1 and 2). The Project will include vegetation removal, road improvements (excluding Project access route) including grading, placement of crane mats within the streams crossing the road, and trenching activities to underground a portion of the gen-tie line and communications fiber-optic cable line. These activities are further described below. This ITP does not cover the larger Pastoria Solar Project, rather it is limited to the associated gen-tie line.

Underground Fiber-Optic Cable Crossing: One underground redundant communications fiber-optic cable crossing (CC) will be installed along the existing gen-tie access road to cross stream channel C-04 (CC-4; Figure 3). Fiber-optic cable will be installed in 4-inch diameter high-density polyethylene conduit. The conduit will be encased in concrete beneath channel C-04 near the primary underground section of the gen-tie duct bank. The crossing will be approximately 16 feet long as determined by the width of the stream channel at the crossing location (Table 1). A trench will be excavated across the stream channel parallel to and within the north side of the existing access roadbed a minimum of 5 feet, 6 inches below the streambed to ensure adequate scour protection during 100-year flooding. Trenches will be 2 feet wide. Approximately 0.4 cubic yards of concrete will be used for the encasement. Typical Occupational Safety and Health Administration (OSHA) shoring practices will be

followed during construction. Following cable installation, the trench will be backfilled with the stockpiled soil and the disturbed streambed will be recontoured to preconstruction conditions. Excess soil will be hauled offsite.

Underground Gen-tie Crossing: One underground gen-tie crossing (GTC) will be installed to cross channel C-04 directly south of the CC within the existing access road (GTC-1; Figure 3). The gen-tie line will consist of 3 runs of 1250 kilo circular mils (KCMIL) cable, 1 run of 250 KCMIL cable, and 1 run of fiber-optic cable, with each cable running in a separate conduit. All five conduits will be trenched and encased in a concrete duct bank along the undergrounded section of the alignment. The crossing at the stream channel will be approximately 15 feet long as determined by the width of the stream channel at the crossing location (Table 1). A trench will be dug across the stream channel crossing within the existing roadbed a minimum of 6 feet, 7/8 inch below the streambed to ensure adequate scour protection during 100-year flood events. The trench will be 2 feet, 5 5/8 inches wide. Approximately 0.9 cubic yards of concrete will be used for the concrete duct bank at the channel crossing. Typical OSHA shoring practices will be implemented during construction. Following line/duct bank installation, the trench will be backfilled with the stockpiled soil and the disturbed streambed recontoured to preconstruction conditions. Excess soil will be hauled offsite.

Road Crossings: The Project includes improvement of two temporary at-grade low-water road crossings (RC) at locations along the existing access road to cross channels C-03, and C-04 as part of the gen-tie access route. The improvements will be 21 feet wide (existing road limits) and cross perpendicular to the channel as feasible to conform with the road alignment. The RCs will be approximately 240 (RC-3) and 15 (RC-4) feet long as determined by the width of each stream channel at the crossing location. Each RC will be graded as appropriate to accommodate construction equipment and facilitate water flow. If needed to accommodate construction equipment and facilitate water flow, wooden crane mats will be installed to provide a temporary road surface. Approximately twenty mats will be used for the C-03 crossing (RC-3) and two mats for the C-04 crossing (RC-4). Disturbance within the stream channel would be minimized by limiting grading activities to the greatest extent possible. Vegetation removal or grading may be conducted to maintain the road crossing during construction. No disturbance for the RCs will occur outside the existing road limits. Appropriate sediment controls (e.g., silt fence, fiberlogs, or berms) will be placed along the top of the bank on each side of the crossing. Materials associated with the RCs will be removed and the disturbance areas recontoured to natural grade upon completion of the Project.

Table 1. Stream Channel Crossing Lengths for Underground Fiber Cable and Gen-Tie Trenching

Channel	Project Activity	Crossing Length/ Channel Width (feet)
C-03	Road crossing (RC-3)	240
C-04	Cable crossing (CC-4)	14
	Gen-tie crossing (GTC-1)	13
	Road crossing (RC-4)	15

Construction Equipment and Machinery

Construction equipment will consist of but not be restricted to: an excavator, backhoe, grader, small (hand-held or walk-behind) compaction equipment, all terrain reach forklift, concrete truck, LoDrill (or auger), small crane, and hand tools. All equipment and vehicles will be returned to the construction laydown yard within the solar field at the end of each workday.

Project Staging

Additional workspace (WA-4; Figure 3) will be used to stockpile soils generated from trenching of the CC and GTC at channel C-04. This will be a laydown area approximately 100 feet long established east of the underground gen-tie section, remaining within southern half of the existing road. The WA-4 may also be used for access, equipment and material staging, or work activities associated with the CC and GTC at C-04. Vegetation removal or grading may be conducted to maintain this laydown area. Appropriate sediment controls (e.g., silt fence, fiberlogs, or berms) will be placed around soil stockpiles. Soil and any other materials present in the WA will be removed upon completion of the Project. All equipment and vehicles will be moved off the Project Area at the end of each workday. No refueling of equipment will be performed in the Project Area.

Project Schedule

Work in the stream bed, bank, and channel within C-03 and C-04 work areas will only be conducted between April 1 and October 1 (dry season) during periods of dry weather and when the stream channel is dry. As such, work in the Project Area will begin in Spring 2025 and is anticipated to be complete by October 1, 2025.

All activities will be performed during daylight hours unless temperature extremes are encountered that would affect concrete pouring. In these instances, nighttime work will occur.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
Blunt-nosed leopard lizard (<i>Gambelia sila</i>) (BNLL)	Endangered ⁴ and Fully Protected ⁵

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.

⁴ See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(4)(B).

⁵ See Fish & G. Code § 5050 (a)(3)(b)(1). Senate Bill 147 was enacted to add section 2081.15 to the Fish and Game Code to allow CDFW to authorize the take of a fully protected species resulting from impacts attributable to certain types of projects, including the implementation of a solar photovoltaic project and any appurtenant infrastructure improvement, and any associated electric transmission project carrying electric power from a facility that is located in the state to a point of junction with any California-based balancing authority if specified conditions are met (See Fish & G. Code, §§ 2081, subdivision (b); 2081.15; Cal. Code Regs., tit. 14, § 783.4).

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include: site preparation (vegetation clearing and grubbing), earthwork (grading, cut/fill activities, scraping, ground-leveling/contouring, backfilling, hauling, stockpiling, soil compaction, trenching, drilling), fiber cable and gen-tie installation (trenching), concrete pouring; road construction (activities under earthwork), dust control, erosion control, vehicle traffic, heavy equipment traffic, moving materials, vegetation management (grubbing), trash and debris removal, maintenance of staging and storage areas for equipment and materials, maintenance of parking lots for heavy machinery and personnel vehicles, 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 during burrow or den collapse that results in crushing or suffocation of underground Covered Species during excavation and compaction activities; entombment of individuals from deposition of fill material, or spoils over occupied burrows; entrapment and burial during excavation and installation activities; exposure of eggs or at risk torpid individuals during excavation activities; crushing by equipment; loss of microhabitats; vehicle/equipment strikes from Project-related traffic; and noise and ground vibration that could cause individuals to leave burrows at inappropriate times increasing stress and exposure to predation; increased human activity which could result in a reduction in prey abundance and/or availability; and increased exposure or stress from disorientation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit or accidental catch and capture with entrapment of Covered Species into trenches or excavations, with burrow excavation, and with implementation of other take minimization measures required by this ITP. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit or attempt to do so by way of entrapment of Covered Species into trenches or excavations, burrow excavation, and implementation of other take minimization measures required by this ITP.

The Project is expected to cause the permanent loss of 0.14 acres and temporary loss of 1.49 acres of grassland and barren upland habitat and existing burrows and burrowing substrate for the Covered Species. No construction activities will be performed on the 1.49-acre portion of the Project Area other than hand excavation of burrows. Impacts of the authorized taking include: stress resulting from noise and vibrations from increased vehicle traffic and Covered Activities, 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. Noise and vibration could cause physiological and/or behavioral disruptions that may interfere with breeding.

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VII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, 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 as authorized by this ITP.

VIII. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Pastoria Solar Project Final Environmental Impact Report (EIR) (SCH No.: # 2019090305) certified by Kern County on December 27, 2021, 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:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (Notification No. EPIMS-KER-53404-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

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

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5.2. Designated Biologist(s) and Designated Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed 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 starting Covered Activities. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s) and Designated Monitor(s) meet the requirements described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP.

Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed. 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.

Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, construction surveying and monitoring under an ITP of the Covered Species as well as excavation of burrows previously used by the Covered Species or other similar burrow excavation experience.

Permittee shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, surveying, and construction monitoring of the Covered Species. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).

5.3. 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. Permittee 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. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) 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.

- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before starting Covered 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.

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

- 5.5. Construction Monitoring Documentation.** The Designated Biologist(s) and 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. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.

- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.

- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction activities without specific prior written approval by CDFW. Permittee shall not apply dust suppressant, surfactant, soil binder or stabilizer products that may be harmful to Covered Species in upland or aquatic environments. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that

includes at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal.

- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.
- 5.10. Project Access.** Project-related personnel shall access the Project Area using existing routes identified in the Project Access section of the Project Description and shall not cross Covered Species' habitat outside of, or *en route* to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.11. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area of this ITP.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the

Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.

Permittee shall ensure that all fueling, or maintenance of vehicles or equipment occurs outside of the Project Area, unless approved in advance and in writing by CDFW.

- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. Pesticide Use and Prohibition.** Permittee shall not use pesticides, including but not limited to rodenticides, herbicides, and insecticides, on the Project Area without prior written approval from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.
- 5.17. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials.
- 5.18. Firearm Prohibition.** Construction personnel shall not be permitted to bring firearms into the Project Area.
- 5.19. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Condition of Approval Education Program.
- 5.20. Work Hours.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention; (2) security patrols; (3) staging

materials for the following day's construction activities; and (4) in days of extreme heat that would impact concrete pours.

- 5.21. Restrictions for Nightwork.** Permittee shall ensure that any nightwork done in the vicinity of an occupied, potential, or known Covered Species burrow follows the Condition of Approval Burrow Avoidance. Battery or solar powered mobile light towers will be used to provide the minimum illumination level needed to achieve safety and security objectives in accordance with the Kern County Dark Skies Ordinance. Lenses and bulbs will not be exposed or extend below the shields. Permittee shall ensure that no permanent, temporary, fixed, or exterior lighting, including motion-triggered security lighting, will cast light skyward or on Covered Species habitat beyond the Project Area. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph.
- 5.22. Precipitation Restrictions.** No work will occur in the stream bed, bank, or channel when any precipitation is occurring. Work in the stream bed, bank, or channel, will occur only when the stream is dry. In non-stream Project Area locations, when 0.25 inch or more of precipitation is forecasted to occur, work will stop before precipitation commences. No construction activities within the Project Area will commence if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, all sites currently under construction and all sites scheduled to begin construction within the next 72 hours will be inspected for erosion and sediment runoff and corrective action will be taken as needed. 72-hour weather forecasts from National Weather Service will be consulted and work will not resume until runoff ceases and there is less than a 50 percent forecast for precipitation for the following 24-hour period.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval.
- 6.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 6.3. 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.

6.4. 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 Alya Wakeman-Hill (Alya.Wakeman-Hill@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.

6.5. Quarterly Compliance Report. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per the Condition of Approval CDFW Notification and Report Submittal 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 Permittee in writing of the new reporting schedule.

6.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report no later than January 31 of every year beginning with the year of 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 Condition of Approval CDFW Notification and Report Submittal. Each Annual Status Report shall include, at a minimum:

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

6.7. Emergency Nightwork. Permittee 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.

6.8. 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. 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.

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

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

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.

6.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist

or Designated Representative shall provide initial notification to CDFW 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, Permittee shall email CDFW a written report within two calendar days following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. 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.

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

- 7.1. Designated Biologist(s) On Site.** The Designated Biologist(s) shall be on site during all ground disturbing activities and during all other activities that may result in the take of Covered Species and in accordance with the Condition of Approval Compliance Monitoring.
- 7.2. Vehicle Parking.** Permittee shall not allow vehicles to park on top of potential or known Covered Species burrows, except within designated staging areas for which burrows have been excavated per the Condition of Approval Burrow Excavation. Vehicles left overnight shall be staged in a manner following the Condition of Approval Burrow Avoidance.
- 7.3. 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.
- 7.4. 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.
- 7.5. Excavation Inspection.** The Designated Biologist(s) or Designated Monitor(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every

day. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.

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

If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and Designated Biologist(s) shall allow the Covered Species to escape unimpeded before Covered Activities are allowed to continue. If a Covered Species cannot escape on its own, Permittee shall contact CDFW for guidance on how to proceed.

- 7.6. BNLL Mortality Reduction Plan.** Permittee shall submit a BNLL Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW prior to beginning Covered Activities. BNLL surveys and burrow excavation shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The BNLL Mortality Reduction Plan shall include, but not be limited to: timing; detailed description of survey methodology; detailed burrow excavation methods; potential artificial burrow design and installation methods; identification of a wildlife rehabilitation center or veterinary facility capable of

and willing to treat injured BNLL or care for at-risk torpid BNLL or BNLL eggs, and procedures for if injured or deceased BNLL are found. Once the BNLL 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 Permittee to discuss needed updates. Any proposed changes to the BNLL Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

- 7.7. Pre-Construction Surveys and Reporting. Within 30 calendar days prior to beginning Covered Activities in the Project Area, the Designated Biologist(s) shall survey the Project Area (or distinct work areas within the Project Area) a minimum of 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential, known, inactive, and active burrows that could be occupied by BNLL. The report shall include, but not be limited to: methodology; date and time of survey(s); the number of burrows that could be occupied by BNLL; a discussion and map of the locations of each burrow as described in the Condition of Approval Burrow Map; and depict and discuss burrows which will be avoided per the Condition of Approval Burrow Avoidance.
- 7.8. Burrow Map. Prior to beginning Covered Activities, the Designated Biologist shall provide a KMZ map to CDFW of all BNLL burrows found during the surveys performed per the Condition of Approval Pre-Construction Surveys and Reporting. The map shall show details and locations of all BNLL sightings and potential and known BNLL burrows as defined in the Condition of Approval Burrow Avoidance. 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.
- 7.9. Burrow Avoidance. The Permittee shall notify CDFW on the same workday via telephone or e-mail if any BNLL are discovered within or immediately adjacent to the Project Area. The Designated Biologist(s) shall establish a no-disturbance buffer of 50 feet or greater around potential burrows that could be occupied by BNLL within the Project Area. If the 50-foot no-disturbance buffer cannot be implemented burrow excavation shall occur in accordance with the Conditions of Approval BNLL Mortality Reduction Plan, Individual Avoidance, and Burrow Excavation.
- 7.10. Individual Avoidance. All workers shall inform the Designated Biologist if BNLL is observed within or near the Project Area during implementation of any Covered Activity. All work within 250 feet of the observed BNLL 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 BNLL Mortality Reduction Plan. The BNLL shall first be allowed to leave the

Project Area on its own volition monitored by the Designated Biologist(s). If the BNLL is unable to leave the Project Area on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials, etc.), the Designated Biologist(s) may establish an area for a passive exit leading/oriented away from the Project Area into suitable habitat only (i.e. not into the path of a paved road, etc.). The Designated Biologist(s) shall monitor the exit of the BNLL in either scenario. If a passive exit area or exit path needs to be established by the Designated Biologist(s) with passive or active exclusion (e.g., sequencing of temporary fence, boards, or flashing), the Designated Biologist(s) shall have such equipment ready to implement a non-handling exit area or exit path.

- 7.11. Buffer Reduction.** The buffers prescribed in Conditions of Approval Burrow Avoidance and Individual Avoidance 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 BNLL burrows or individual BNLL 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 burrow or individual, then the Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). Such requests should consider exclusion methods (e.g., temporary exclusion fence strategies and/or monitoring). 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.
- 7.12. Burrow Excavation.** Immediately following the completion of BNLL surveys conducted according to the BNLL Mortality Reduction Plan, the Designated Biologist(s), or individuals under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all burrows potentially occupied by BNLL within each fenced Project Area to be disturbed by Covered Activities that cannot be avoided per the Condition of Approval Burrow Avoidance. If a BNLL is observed during burrow excavation, the steps in the Condition of Approval Individual Avoidance shall be followed. If an injured BNLL, torpid BNLL, or potential BNLL nest with eggs are encountered, then the CDFW-approved BNLL Mortality Reduction Plan will be followed.
- 7.13. BNLL Injury.** If a BNLL is injured or found dead within the vicinity of the Project Area, the Permittee shall notify CDFW of the injury or mortality immediately by e-mail as described in the Condition of Approval Notification of Take or Injury. The Designated Biologist shall follow the BNLL 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. Permittee shall bear any cost associated with care and recovery of any injured BNLL.

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

To meet this requirement, the Permittee shall purchase a minimum of **1.91 acres** of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval Covered Species Credits. To satisfy the requirements of Fish and Game Code section 2081.15, subdivision (a)(2), the credits shall: (1) consist of high-quality grassland habitat known to be occupied by Covered Species individuals and better habitat quality than what is affected by the Project; (2) provide regional importance to the conservation of the Covered Species; (3) contain a service area that encompasses the Project Area benefitting the Comanche Point/Wheeler Ridge population of BNLL (Richmond et al. 2017) affected by the Project and; (4) achieve one or more Recovery Actions for BNLL from the Upland Species of the San Joaquin Valley Recovery Plan (Recovery Plan) written by the USFWS and published on September 30, 1998. Purchase of Covered Species credits must be complete before starting Covered Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to the Condition of Approval Security below for all uncompleted obligations.

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

- 8.1.1. Land acquisition costs for HM lands, estimated at \$9,789.69/acre for 1.91 acres: **\$18,698.31**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements.
- 8.1.2. All other costs necessary to acquire the land in fee title and record a conservation easement, estimated at **\$263,600.00**. These costs would be incidental to gathering and reviewing HM land documents required in the *Permittee Checklist Of Documents For Habitat Management Land Property Review And Protection* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207700&inline>).
- 8.1.3. Start-up costs for HM lands, estimated at **\$39,288.63**. These costs include initial site protection and enhancement costs including the following: prepare a final management plan, conduct a baseline biological assessment and land survey report, develop and transfer Geographic Information Systems data, construct initial fencing, conduct litter removal, conduct initial habitat restoration or enhancement (if applicable), and install signage.

- 8.1.4. Interim management period funding, estimated at **\$80,511.40**. This funding is tasks performed for a minimum of three years including, at a minimum: fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.
- 8.1.5. Long-term management funding, estimated at **\$313,083.70**. This funding would be used to perform long-term tasks to ensure the mitigation lands are managed to preserve conservation values for Covered Species in perpetuity.
- 8.1.6. Related transaction fees, estimated at **\$13,600.00**. These fees include but are 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.
- 8.1.7. All costs associated with CDFW to engage an outside contractor to complete the mitigation tasks, estimated at **\$45,479.00**. These tasks include but are not limited to: all tasks listed above, the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work.

8.2. Covered Species Credits. Permittee shall purchase 1.91 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 Condition of Approval Security below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.

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

9.1. Security Amount. The Security shall be in the amount of **\$774,261.04** or in the amount identified in the Condition of Approval Cost Estimates 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.

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

Credit Purchase

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

Even if Security is provided, the Permittee must complete the required credit purchase no later than 24 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee do not complete these requirements within the specified timeframe.

IX. Amendment:

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-006-04) 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

Incidental Take Permit
No. 2081-2025-006-04
PASTORIA SOLAR ENERGY COMPANY, LLC
PASTORIA SOLAR GEN-TIE PROJECT

Post Office Box 944209, Sacramento, CA 94244-2090
CESA@wildlife.ca.gov

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

Alya Wakeman-Hill
 California Department of Fish and Wildlife
 1234 East Shaw Avenue, Fresno, CA 93710
 Telephone: (559) 317-7335
Alya.Wakeman-Hill@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Pastoria Solar Project Final EIR (SCH No.: 2019090305) certified by Kern County on August 27, 2020. 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.

XIV. Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds. (a)-(b), 783.5, subd. (c)(2); Fish & G. Code § 5050 (a)(3)(b)(1); Fish & G. Code § 2081.15, subd. (a)(d))

CDFW finds based on substantial evidence in the ITP application, Pastoria Solar Project EIR, 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:

Incidental Take Permit
 No. 2081-2025-006-04
 PASTORIA SOLAR ENERGY COMPANY, LLC
 PASTORIA SOLAR GEN-TIE PROJECT

- (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 1.91 acres of Covered Species habitat that is contiguous with other protected Covered Species habitat and is of higher quality than the habitat being destroyed by the Project, and along with the minimization, monitoring, reporting, and funding requirements of this ITP, minimizes and fully mitigates the impacts of the taking caused by the Project.
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project;
- (7) 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 Permittee as necessary to avoid jeopardy and as required by law;
- (8) As stated in Findings (1) – (7) above, the requirements of Fish and Game Code section 2081, subdivisions (b) and (c) are satisfied as to BNLL;
- (9) As stated in Finding (2) above, the impacts of the taking on BNLL will be minimized and fully

mitigated through implementation of measures required by this ITP such as the protection and permanent management of compensatory habitat. Nevertheless, CDFW determined that additional measures required to satisfy the conservation standard of Fish and Game Code section 2805, subdivision (d) with respect to the Covered Species include ensuring conservation of high-quality grassland habitat known to be occupied by Covered Species individuals and better habitat quality than what is affected by the Project that provides regional importance to the conservation of the Covered Species which contains a service area that encompasses the Project Area benefitting the Comanche Point/Wheeler Ridge population of BNLL (Richmond et al. 2017) affected by the Project and achieves one or more Recovery Actions for BNLL from the Upland Species of the San Joaquin Valley Recovery Plan (Recovery Plan) written by the USFWS (1998). These requirements will ensure the mitigation or conservation bank's contribution towards essential linkage habitat for the Covered Species and important genetic connectivity for the Covered Species as described in the 1998 USFWS Recovery Plan; and will provide for contributions to multiple recovery actions for the Covered Species listed in the Recovery Plan (including Action 1 to determine appropriate habitat management and compatible land uses for the Covered Species and Action 3.d to protect additional habitat for the Covered Species in key portions of their range and areas of highest priority to target for protection). The purchase of 1.91 acres of Covered Species credits from an approved mitigation or conservation bank will help to achieve Recovery Action 3.d. and aligns with the most recent USFWS Special Status Assessment for BNLL by restoring connectivity within and between populations, and encouraging conservation and coordination between private landowners and other partners, including CDFW and USFWS;

- (10) This ITP provides for the development and implementation of a monitoring program and adaptive management plan for monitoring the effectiveness of, and amending, as necessary, the measures to minimize and fully mitigate the impacts of the authorized take of BNLL. The take monitoring programs and adaptive management plans are in the forms of the take monitoring program (Condition of Approval Compliance Monitoring), adaptive management as required in the BNLL Mortality Reduction Plan (Condition of Approval BNLL Mortality and Relocation Plan), and the HM Land acquisition and associated land management and monitoring activities or those monitoring activities required of a CDFW-approved mitigation or conservation bank with BNLL credits;
- (11) The Project is an electric transmission project, which is associated with a solar photovoltaic project, carrying electric power from a facility that is located in the state to a point of junction with any California-based balancing authority. This is an eligible project to authorize incidental take of BNLL that may occur during Covered Activities described in this ITP pursuant to Fish and Game Code section 2081.15, subdivision (b)(5).

XV. Literature Cited:

Richmond J., D. Wood, M. Westphal, et al. 2017. Persistence of historical population structure in an endangered species despite near-complete biome conversion in California's San Joaquin Desert. *Mol Ecol.* 2017;26: 3618–3635.

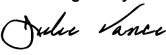
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U. S. Fish and Wildlife Service. 2020. Special Status Assessment for the Blunt-nosed leopard lizard (*Gambelia sila*) Version 1.0. Region 10, Sacramento, CA. 106 pp

XVI. Attachments:

FIGURE 1	Map of Project Area and Vicinity
FIGURE 2	Map of Project Area and Substation
FIGURE 3	Map of Project Area with Utility and Road Crossings
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 5/19/2025

DocuSigned by:

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Julie A. Vance, Regional Manager
Central Region

Incidental Take Permit
No. 2081-2025-006-04
PASTORIA SOLAR ENERGY COMPANY, LLC
PASTORIA SOLAR GEN-TIE PROJECT

FIGURE 1

Map of Project Area and Vicinity

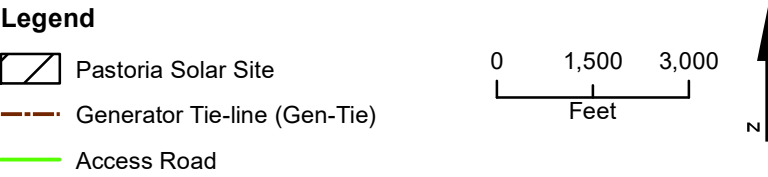
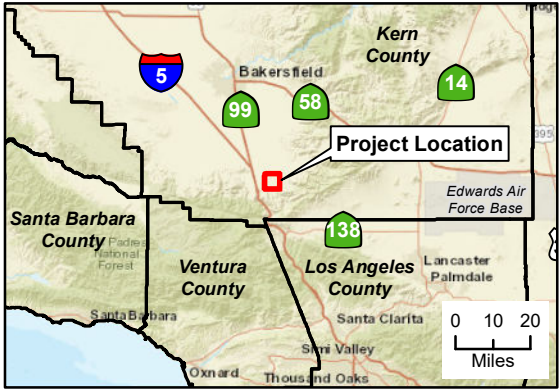
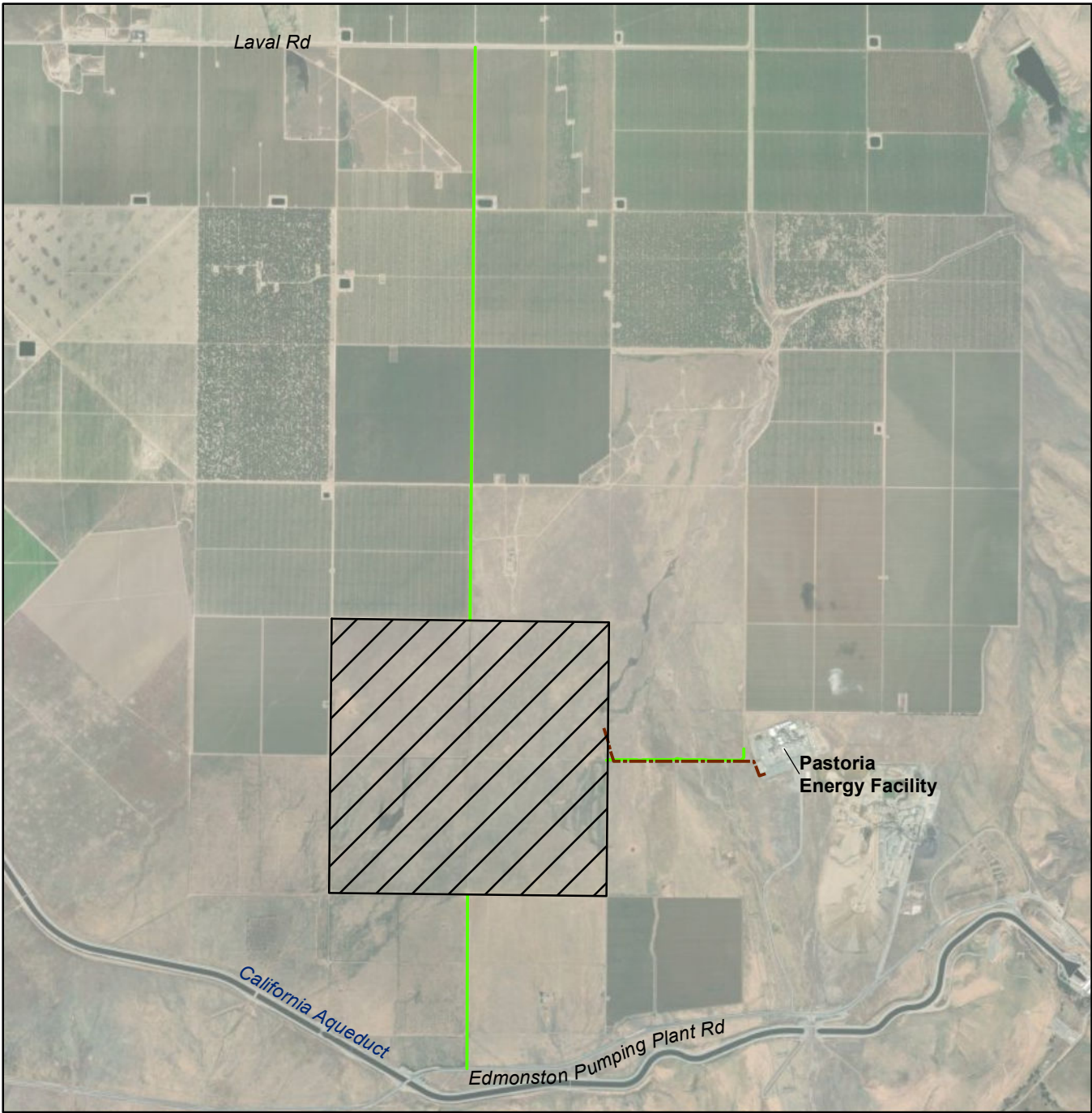
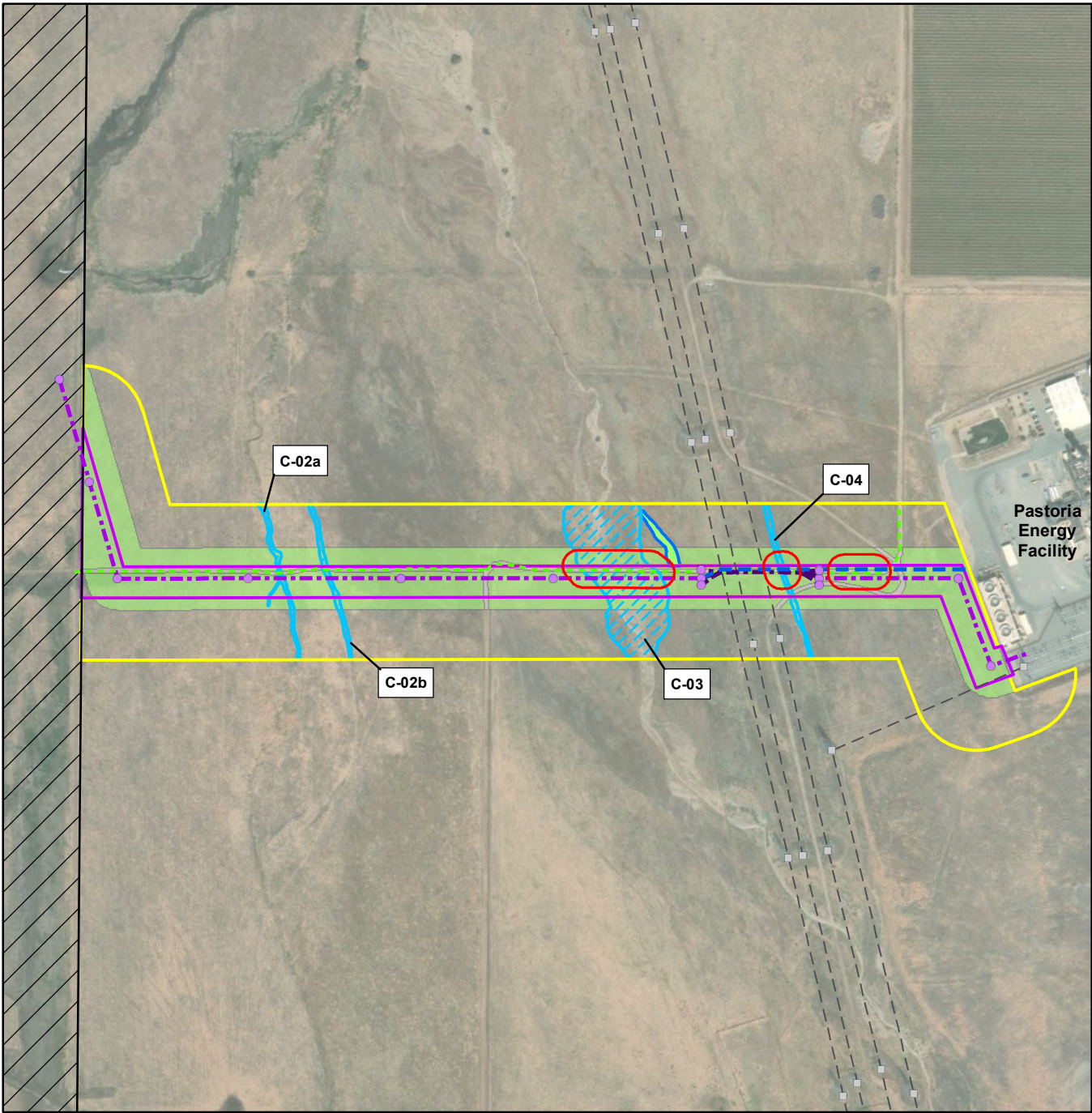


Figure 1
Project Overview Map
Calpine Corporation
Kern County, California



FIGURE 2

Map of Project Area and Substation



Basemap Source: Esri World Imagery

Legend

- Project Area*
- Generator Tie-line (Gen-Tie) Structure
- Overhead Gen-Tie-line
- Underground Gen-Tie-line
- Underground Redundant Fiber-optic Cable
- Gen-Tie Access Road
- Gen-Tie Right-of-Way
- 200-foot Survey Buffer
- Pastoria Solar Site

- Existing Transmission Structure
- Existing Transmission Line

Mapped Features

- Aquatic Resources (channel)
- Other Watercourses (swale)

Land Cover

- Disturbed/Developed
- Non-native Grassland

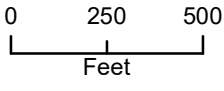
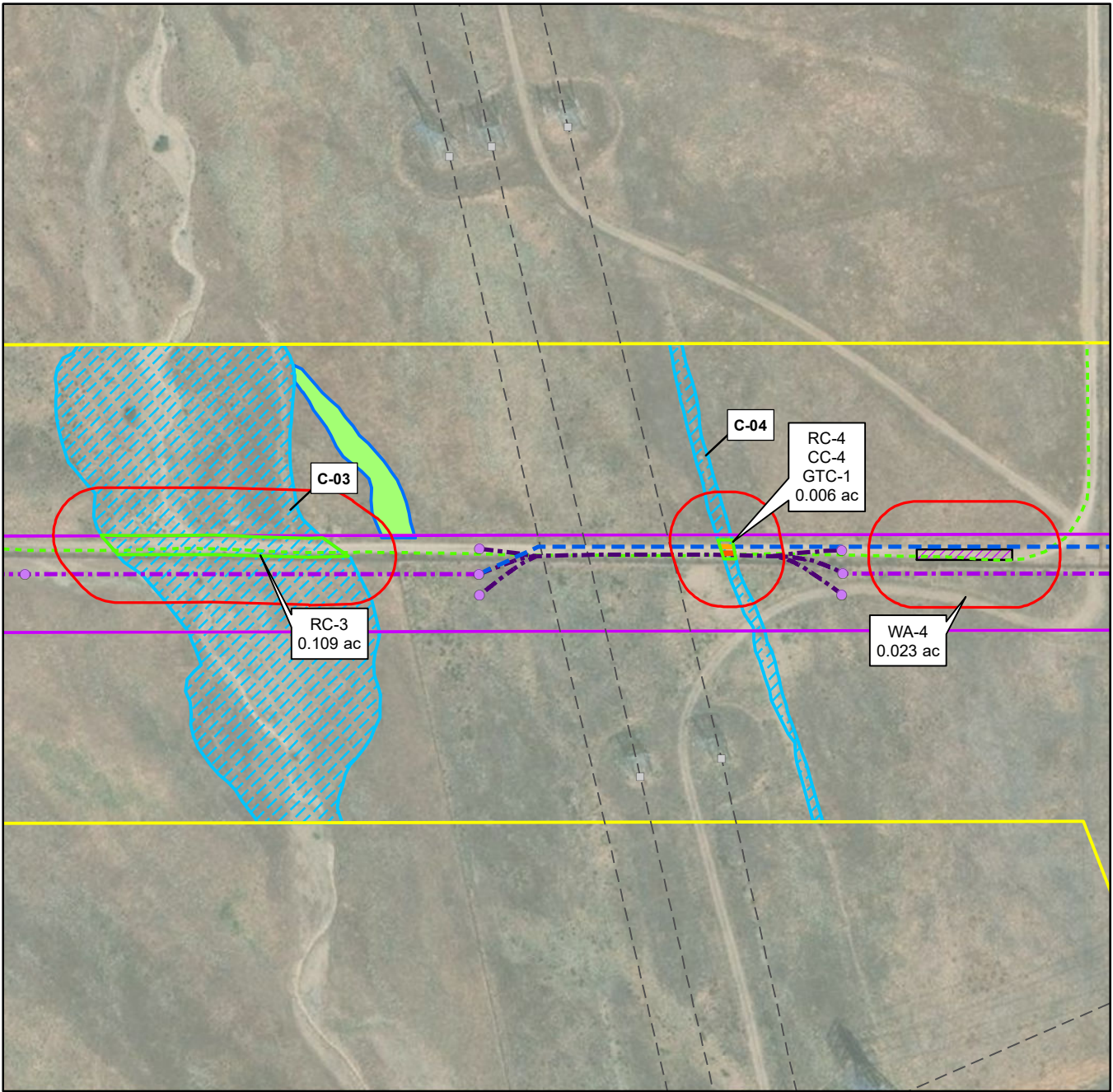


Figure 2
Aquatic Features and Vegetation
Calpine Corporation
Kern County, California

*Project area polygons are equivalent to the project impact areas plus a 50-foot buffer (1.626 acres total).

FIGURE 3

Map of Project Area with Utility and Road Crossings

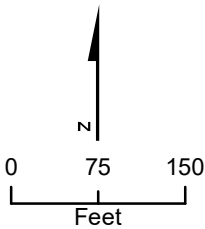


Basemap Source: Esri World Imagery

Legend

- Project Area*
- Generator Tie-line (Gen-Tie) Structure
- Overhead Gen-Tie-line
- Underground Gen-Tie-line
- Underground Redundant Fiber-optic Cable
- Gen-Tie Access Road
- Gen-Tie Right-of-Way
- 200-foot Survey Buffer
- Pastoria Solar Site

- Existing Transmission Structure
- Existing Transmission Line
- Mapped Features**
 - Aquatic Resources (channel)
 - Other Watercourses (swale)
- Temporary Impacts (surface)**
 - Road Crossing
 - Underground Fiber Cable Crossing
 - Underground Gen-tie Crossing
 - Additional Work Area (stockpiles)



ac = acre

*Project area polygons are equivalent to the project impact areas plus a 50-foot buffer (1.626 acres total).

\\dc1vs01\GISProj\C\Calpine\Pastoria\MapFiles\2024\ITP_Figures\Figure_4_250115_2.mxd

Figure 4
Project Impacts
Calpine Corporation
Kern County, California

Jacobs

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. 2081-2025-006-04

PERMITTEE: Pastoria Solar Energy Company, LLC

PROJECT: Pastoria Solar Gen-Tie 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 starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.</p>	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
<p><u>Designated Biologist(s) and Designated Monitor(s).</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed 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 starting Covered Activities. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s) and Designated Monitor(s) meet the requirements described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP.</p> <p>Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed. 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.</p> <p>Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, construction surveying and monitoring under an ITP of the Covered Species as well as excavation of burrows previously used by the Covered Species or other similar burrow excavation experience.</p> <p>Permittee shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, surveying, and construction monitoring of the Covered Species. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).</p>	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<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. Permittee 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. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) 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>	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before starting Covered 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> <p>Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.</p>	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / 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. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.</p>	ITP Condition # 5.5	During Covered Activities	Permittee	
<p><u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.</p>	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction activities without specific prior written approval by CDFW. Permittee shall not apply dust suppressant, surfactant, soil binder or stabilizer products that may be harmful to Covered Species in upland or aquatic environments. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u> .	ITP Condition # 5.7	During Covered Activities	Permittee	
<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.	ITP Condition # 5.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes identified in the Project Access section of the Project Description and shall not cross Covered Species' habitat outside of, or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
<u>Delineation of Ingress and Egress Routes</u> . Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area of this ITP.	ITP Condition # 5.12	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.</p> <p>Permittee shall ensure that all fueling, or maintenance of vehicles or equipment occurs outside of the Project Area, unless approved in advance and in writing by CDFW.</p>	ITP Condition # 5.13	Entire Project	Permittee	
<p><u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.</p>	ITP Condition # 5.14	Entire Project	Permittee	
<p><u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.</p>	ITP Condition # 5.15	Post-construction	Permittee	
<p><u>Pesticide Use and Prohibition.</u> Permittee shall not use pesticides, including but not limited to rodenticides, herbicides, and insecticides, on the Project Area without prior written approval from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area</p>	ITP Condition # 5.16	Entire Project	Permittee	
<p><u>Firearm Prohibition.</u> Construction personnel shall not be permitted to bring firearms into the Project Area.</p>	ITP Condition # 5.17	Entire Project	Permittee	
<p><u>Wildfire Avoidance.</u> Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Condition of Approval Education Program.</p>	ITP Condition # 5.18	Entire Project	Permittee	
<p><u>Work Hours.</u> Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention; (2) security patrols; (3) staging materials for the following day's construction activities; and (4) in days of extreme heat that would impact concrete pours.</p>	ITP Condition # 5.19	During Covered Activities	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Restrictions for Nightwork.</u> Permittee shall ensure that any nightwork done in the vicinity of an occupied, potential, or known Covered Species burrow follows the Condition of Approval <u>Burrow Avoidance</u> . Battery or solar powered mobile light towers will be used to provide the minimum illumination level needed to achieve safety and security objectives in accordance with the Kern County Dark Skies Ordinance. Lenses and bulbs will not be exposed or extend below the shields. Permittee shall ensure that no permanent, temporary, fixed, or exterior lighting, including motion-triggered security lighting, will cast light skyward or on Covered Species habitat beyond the Project Area. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph.	ITP Condition # 5.20	During Covered Activities	Permittee	
<u>Precipitation Restrictions.</u> No work will occur in the stream bed, bank, or channel when any precipitation is occurring. Work in the stream bed, bank, or channel, will occur only when the stream is dry. In non-stream Project Area locations, when 0.25 inch or more of precipitation is forecasted to occur, work will stop before precipitation commences. No construction activities within the Project Area will commence if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, all sites currently under construction and all sites scheduled to begin construction within the next 72 hours will be inspected for erosion and sediment runoff and corrective action will be taken as needed. 72-hour weather forecasts from National Weather Service will be consulted and work will not resume until runoff ceases and there is less than a 50 percent forecast for precipitation for the following 24-hour period.	ITP Condition # 5.21	During Covered Activities	Permittee	
<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	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 (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. 	ITP Condition # 6.3	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 Alya Wakeman-Hill (Alya.Wakeman-Hill@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 # 6.4	Entire Project	Permittee	
<p><u>Quarterly Compliance Report.</u> The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval <u>Compliance Monitoring</u> into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per the Condition of Approval <u>CDFW Notification and Report Submittal</u> 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 Permittee in writing of the new reporting schedule.</p>	ITP Condition # 6.5	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Annual Status Report</u>. Permittee shall provide CDFW with an Annual Status Report no later than January 31 of every year beginning with the year of 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 the Condition of Approval <u>CDFW Notification and Report Submittal</u>. Each Annual Status Report shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all Quarterly Compliance Reports for that year identified in the Condition of Approval <u>Quarterly Compliance Report</u>; (2) a record of the <u>Education Program</u> 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) 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 # 6.6	Entire Project	Permittee	
<p><u>Emergency Nightwork</u>. Permittee 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 # 6.7	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. 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.</p>	ITP Condition # 6.8	Entire Project	Permittee	
<p><u>As-Built Development Plans</u>. No later than 45 calendar days after completion of all Covered Activities, Permittee shall submit as-built development plans following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. 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 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 # 6.9	Post-construction 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, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</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 (8) any other pertinent information. 	ITP Condition # 6.10	Post-construction and after completion of mitigation	Permittee	
<p><u>Notification of Take or Injury</u>. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW 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, Permittee shall email CDFW a written report within two calendar days following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</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 # 6.11	Entire Project	Permittee	
<p>Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall also implement and adhere to the following conditions to minimize take of Covered Species:</p>	ITP Condition # 7	Entire Project	Permittee	
<p><u>Designated Biologist(s) On Site</u>. The Designated Biologist(s) shall be on site during all ground disturbing activities and during all other activities that may result in the take of Covered Species and in accordance with the Condition of Approval <u>Compliance Monitoring</u>.</p>	ITP Condition # 7.1	Entire Project	Permittee	
<p><u>Vehicle Parking</u>. Permittee shall not allow vehicles to park on top of potential or known Covered Species burrows, except within designated staging areas for which burrows have been excavated per the Condition of Approval <u>Burrow Excavation</u>. Vehicles left overnight shall be staged in a manner following the Condition of Approval <u>Burrow Avoidance</u>.</p>	ITP Condition # 7.2	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<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.</p>	ITP Condition # 7.3	Entire Project	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.</p>	ITP Condition # 7.4	Entire Project	Permittee	
<p><u>Excavation Inspection.</u> The Designated Biologist(s) or Designated Monitor(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every day. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.</p> <ul style="list-style-type: none"> • <u>Cover:</u> Unless inspected daily, all Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. • <u>Escape Ramp:</u> As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All Excavations shall have an additional escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope for every additional 50 feet of Excavation length. For example, a 50-foot-long Excavation would have two escape ramps and a 100-foot-long Excavation would have three escape ramps. <p>If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and Designated Biologist(s) shall allow the Covered Species to escape unimpeded before Covered Activities are allowed to continue. If a Covered Species cannot escape on its own, Permittee shall contact CDFW for guidance on how to proceed.</p>	ITP Condition # 7.5	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BNLL Mortality Reduction Plan</u>. Permittee shall submit a BNLL Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW at least 14 days prior to beginning Covered Activities. BNLL surveys and burrow excavation shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The BNLL Mortality Reduction Plan shall include, but not be limited to: timing; detailed description of survey methodology; detailed burrow excavation methods; potential artificial burrow design and installation methods; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BNLL or care for at-risk torpid BNLL or BNLL eggs, and procedures for if injured or deceased BNLL are found. Once the BNLL 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 Permittee to discuss needed updates. Any proposed changes to the BNLL Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.</p>	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>Pre-Construction Surveys and Reporting</u>. Within 30 calendar days prior to beginning Covered Activities in the Project Area, the Designated Biologist(s) shall survey the Project Area (or distinct work areas within the Project Area) a minimum of 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential, known, inactive, and active burrows that could be occupied by BNLL. The report shall include, but not be limited to: methodology; date and time of survey(s); the number of burrows that could be occupied by BNLL; a discussion and map of the locations of each burrow as described in the Condition of Approval <u>Burrow Map</u>; and depict and discuss burrows which will be avoided per the Condition of Approval <u>Burrow Avoidance</u>.</p>	ITP Condition # 7.7	Before commencing ground- or vegetation-disturbing activities /	Permittee	
<p><u>Burrow Map</u>. At least five calendar days prior to beginning Covered Activities, the Designated Biologist shall provide a KMZ map to CDFW of all BNLL burrows found during the surveys performed per the Condition of Approval <u>Pre-Construction Surveys and Reporting</u>. The map shall show details and locations of all BNLL sightings and potential and known BNLL burrows as defined in the Condition of Approval <u>Burrow Avoidance</u>. 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 # 7.8	Before commencing ground- or vegetation-disturbing activities /	Permittee	
<p><u>Burrow Avoidance</u>. The Permittee shall notify CDFW on the same workday via telephone or e-mail if any BNLL are discovered within or immediately adjacent to the Project Area. The Designated Biologist(s) shall establish a no disturbance buffer of 50 feet or greater around potential burrows that could be occupied by BNLL within the Project Area. If the 50-foot no-disturbance buffer cannot be implemented burrow excavation shall occur in accordance with the Conditions of Approval <u>BNLL Mortality Reduction Plan</u>, <u>Individual Avoidance</u>, and <u>Burrow Excavation</u>.</p>	ITP Condition # 7.9	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Individual Avoidance.</u> All workers shall inform the Designated Biologist if BNLL is observed within or near the Project Area during implementation of any Covered Activity. All work within 250 feet of the observed BNLL 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>BNLL Mortality Reduction Plan</u>. The BNLL shall first be allowed to leave the Project Area on its own volition monitored by the Designated Biologist(s). If the BNLL is unable to leave the Project Area on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials, etc.), the Designated Biologist(s) may establish an area for a passive exit leading/oriented away from the Project Area into suitable habitat only (i.e. not into the path of a paved road, etc.). The Designated Biologist(s) shall monitor the exit of the BNLL in either scenario. If a passive exit area or exit path needs to be established by the Designated Biologist(s) with passive or active exclusion (e.g., sequencing of temporary fence, boards, or flashing), the Designated Biologist(s) shall have such equipment ready to implement a non-handling exit area or exit path.</p>	ITP Condition # 7.10	During Covered Activities	Permittee	
<p><u>Buffer Reduction.</u> The buffers prescribed in Conditions of Approval <u>Burrow Avoidance</u> and <u>Individual Avoidance</u> 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 BNLL burrows or individual BNLL 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 burrow or individual, then the Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). Such requests should consider exclusion methods (e.g., temporary exclusion fence strategies and/or monitoring). 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>	ITP Condition # 7.11	During Covered Activities	Permittee	
<p><u>Burrow Excavation.</u> Immediately following the completion of BNLL surveys conducted according to the BNLL Mortality Reduction Plan, the Designated Biologist(s), or individuals under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all burrows potentially occupied by BNLL within each fenced Project Area to be disturbed by Covered Activities that cannot be avoided per the Condition of Approval <u>Burrow Avoidance</u>. If a BNLL is observed during burrow excavation, the steps in the Condition of Approval <u>Individual Avoidance</u> shall be followed. If an injured BNLL, torpid BNLL, or potential BNLL nest with eggs are encountered, then the CDFW-approved <u>BNLL Mortality Reduction Plan</u> will be followed.</p>	ITP Condition # 7.12	During Covered Activities	Permittee	
<p><u>BNLL Injury.</u> If a BNLL is injured or found dead within the vicinity of the Project Area, the Permittee shall notify CDFW of the injury or mortality immediately by e-mail as described in the Condition of Approval <u>Notification of Take or Injury</u>. The Designated Biologist shall follow the <u>BNLL 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. Permittee shall bear any cost associated with care and recovery of any injured BNLL.</p>	ITP Condition # 7.13	During Covered Activities	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 Permittee shall purchase a minimum of 1.91 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to the Condition of Approval <u>Covered Species Credits</u>. To satisfy the requirements of Fish and Game Code section 2081.15, subdivision (a)(2), the credits shall: (1) consist of high-quality grassland habitat known to be occupied by Covered Species individuals and better habitat quality than what is affected by the Project; (2) provide regional importance to the conservation of the Covered Species; (3) contain a service area that encompasses the Project Area benefitting the Comanche Point/Wheeler Ridge population of BNLL (Richmond et al. 2017) affected by the Project and; (4) achieves one or more Recovery Actions for BNLL from the Upland Species of the San Joaquin Valley Recovery Plan (Recovery Plan) written by the USFWS and published on September 30, 1998. Purchase of Covered Species credits must be complete before starting Covered Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to the Condition of Approval <u>Security</u> below for all uncompleted obligations.</p>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p>Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the habitat management (HM lands) as follows:</p>	ITP Condition #8.1	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p>Land acquisition costs for HM lands, estimated at \$9,789.69/acre for 1.91 acres: \$18,698.31. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements.</p>	ITP Condition #8.1.1	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p>All other costs necessary to acquire the land in fee title and record a conservation easement, estimated at \$263,600.00. These costs would be incidental to gathering and reviewing HM land documents required in the <i>Permittee Checklist Of Documents For Habitat Management Land Property Review And Protection</i> (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207700&inline).</p>	ITP Condition #8.1.2	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
Start-up costs for HM lands, estimated at \$39,288.63 . These costs include initial site protection and enhancement costs including the following: prepare a final management plan, conduct a baseline biological assessment and land survey report, develop and transfer Geographic Information Systems data, construct initial fencing, conduct litter removal, conduct initial habitat restoration or enhancement (if applicable), and install signage.	ITP Condition #8.1.3	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
Interim management period funding, estimated at \$80,511.40 . This funding is for tasks performed for a minimum of three years including, at a minimum: fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.	ITP Condition #8.1.4	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
Long-term management funding, estimated at \$313,083.70 . This funding would be used to perform long-term tasks to ensure the mitigation lands are managed to preserve conservation values for Covered Species in perpetuity.	ITP Condition #8.1.5	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
Related transaction fees, estimated at \$13,600.00 . These fees include but are 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.	ITP Condition #8.1.6	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
All costs associated with CDFW to engage an outside contractor to complete the mitigation tasks, estimated at \$45,479.00 . These tasks include but are not limited to: all tasks listed above, the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work.	ITP Condition #8.1.7	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Covered Species Credits</u>. Permittee shall purchase 1.91 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 Condition of Approval <u>Security</u> below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.</p>	ITP Condition #9	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p>Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by the Condition of Approval Habitat Management Land Acquisition that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: [see conditions 9.1-9.7 below]</p> <p>Even if Security is provided, the Permittee must complete the required credit purchase no later than 24 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee do not complete these requirements within the specified timeframe.</p>	ITP Condition #9	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p><u>Security Amount</u>. The Security shall be in the amount of \$774,261.04 or in the amount identified in the Condition of Approval <u>Cost Estimates</u> 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>	ITP Condition #9.1	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p><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>	ITP Condition #9.2	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p><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>	ITP Condition #9.3	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Security Holder</u> . The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition #9.4	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Security Transmittal</u> . Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.	ITP Condition #9.5	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Security Drawing</u> . The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee have failed to comply with the Conditions of Approval of this ITP.	ITP Condition #9.6	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Security Release</u> . The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <u>Credit Purchase</u> <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. 	ITP Condition #9.7	Before commencing ground- or vegetation-disturbing activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

ATTACHMENT 2

Biologist Resume Form

***** Please Note: While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of biologist's qualifications.*****

Name of Biologist & Contact Information

Education: (include year graduated)

Training/Workshops: (be prepared to provide copies of certificates upon request; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Certifications: (please provide any copies of a CDFW Scientific Collecting Permit, MOU, or USFWS 10(a)(1)(A) permit; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Species Name #1: (Example: Blunt-nosed leopard lizard)

Project Name #1: (list the information below for all projects (separately) where biologist worked with this species; projects may be listed more than once under each separate species and please only include projects on the resume that demonstrate experience with the Covered Species in the ITP)

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits) and/or Project:

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed (and/or handled): # of adults and # of juveniles

Project Name #2:

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits) and/or Project:

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed (and/or handled): # of adults and # of juveniles

Project Name #3: ...

Include any other relevant experience with the Covered Species and implementation of Conditions of Approval in the ITP

ATTACHMENT 3

Letter of Credit Form

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Manager of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West

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

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the laws 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 of 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 "Branch Manager, Habitat Conservation Planning Branch"]

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[**CDFW Letterhead**]

[**Date**]

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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