



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

California Endangered Species Act
Amended Incidental Take Permit No. 2081-2019-020-04
(Amendment No. 3)

ID-78/ID-650G-1/R-1918/V-849/SPAN 24, L-300

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 if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	Pacific Gas and Electric Company
Principal Officer:	Craig Geldard, Sr. Manager
Contact Person:	Amy Galvan, Sr. Land Planner
Mailing Address:	300 Lakeside Drive Oakland, California 94612-3534

II. Amended ITP³ Background

On August 27, 2021, CDFW issued the original ITP No. 2081-2019-020-04 (ITP) to the Permittee, authorizing take of giant kangaroo rat (*Dipodomys ingens*, GKR), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*, SJAS), and San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF) (collectively, Covered Species) associated with and incidental to the Investigative Dig 78/Spans 24 And 27, L-300 (Project) in San Benito County, California. The Project as described in the original ITP includes maintenance and repair activities associated with an investigative dig and associated sniff holes on Gas Line 300B where a potential internal anomaly was identified, recoating at pipeline spans where corrosion of exposed pipeline occurred in two locations on both Gas Line 300A and Gas Line 300B, and cross compression.

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

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

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

On October 26, 2021, CDFW issued Minor Amendment No. 1 to clarify the intent of Condition of Approval SJAS Burrow Excavation. Specifically, Minor Amendment No. 1 revised Condition of Approval SJAS Burrow Excavation to clarify that once burrow excavation begins during specific weather conditions, it should continue until it is completed within that Work Area, even if it is no longer occurring during the stated weather conditions. CDFW initiated Minor Amendment No. 1 to minimize potential impacts to SJAS that may result from partially excavated burrows and burrows complexes if excavation is paused for appropriate weather conditions to resume.

On July 11, 2023, CDFW issued Minor Amendment No. 2 which included extending the expiration date of the ITP from July 1, 2023, to July 1, 2026, and an extension of the deadline in which to complete Condition of Approval Habitat Management Land Acquisition and Restoration from within 18 months of the effective date of the ITP to before July 1, 2026, to match the expiration date of the ITP.

In issuing the original ITP, Minor Amendment No. 1, and Minor Amendment No. 2, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval will fully mitigate impacts to the Covered Species and will not jeopardize the continued existence of the Covered Species.

On December 20, 2024, CDFW received an application and corresponding fee payment from the Permittee requesting a major amendment to the ITP. The request includes modifying the Project Location and Project Description sections of the ITP to add the following three new activities for the natural gas pipeline, Line 300B: 1) one investigative dig (ID-650G-1); 2) one pipeline replacement (R-1918); and 3) one installation of a main line valve station and blowdown stack (V-849). Cross compression will be required during the activities to temporarily transfer gas from Line 300B to Line 300A and will occur at the Mile Point (MP) 410.87 valve lot. All three of the aforementioned activities will be conducted during a single cross compression clearance of Line 300B to minimize impacts. The request also includes extending the expiration date of the ITP from July 1, 2026, to July 1, 2031, to allow for completion of all activities and restoration of the sites. The new activities cumulatively add 2.35 acres of new temporary impacts and 0.02 acres of new permanent impacts. Prior to submission of the ITP amendment application, Covered Activities were completed at the ID-78 and Span 24 portions of the Project, and Covered Activities associated with the cross compression and Span 27 portions of the Project were cancelled. As such, the actual impacts to date total 0.71 acres of the proposed 1.41 acres. Cross compression will remain as part of the Project in association with the three new activities and Span 27 will be removed from the Project.

CDFW finds that this Amendment (Major Amendment No. 3) is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of Major Amendment No. 3 will increase the amount of take of the Covered Species

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compared to the Project as originally approved; however, by implementing Conditions of Approval that require plans to reduce mortality and relocate Covered Species, restore temporary impacts, monitoring by a Designated Biologist, and permanent protection of Habitat Management Lands, it is not expected that Major Amendment No. 3 will increase Project impacts on these Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of Major Amendment No. 3 does not affect CDFW’s previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in Minor Amendment No. 1, Minor Amendment No. 2, and Major Amendment No. 3 (collectively, the Amended ITP). The Amended ITP includes all the operative provisions as of the effective date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the ITP as a result of Major Amendment No. 3.

III. Effective Date and Expiration Date of this ITP:

The original ITP’s effective date was August 30, 2021. This remains the effective date for the original take authorization. This Amended ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **July 1, 2031**.

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

IV. Project Location:

The ID-78/ID-650G-1/R-1918/V-849/SPAN 24, L-300 Project (Project) is located within portions of the Panoche Valley and Tumey Hills in San Benito County (Figures 1a and 1b). There are eight Work Areas (defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur) for the Project, which are located within the Tumey Hills United States Geological Survey (USGS) 7.5-minute topographic quadrangle and/or the Panoche USGS 7.5-minute topographic quadrangle. Table 1 below provides the latitude, longitude, approximate elevation, and relative size of each Work Area.

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Table 1: San Benito County L-300A and L-300B Project Work Areas

Project Location	Latitude	Longitude	Size of Work Area (in acres)	Size of Overland Access Route (in acres)	Size of Total Project Area (in acres)
ID-78	36° 36' 03.85" N	120° 49' 48.21" W	0.172	0.129	0.301
ID-78 Sniff Hole	36° 36' 05.03" N	120° 49' 49.13" W	0.061	0.143	0.204
Cross Compression	36° 35' 46.24" N	120° 47' 03.32" W	0.402	--	0.402
Span 24	36° 34' 55.23" N	120° 45' 10.06" W	0.005	0.200	0.205
ID-650G-1	36° 36' 04.97" N	120° 49' 51.45" W	0.253	0.174	0.427
ID-650G-1 Sniff Hole	36° 36' 04.97" N	120° 49' 51.45" W	0.086	0.146	0.232
R-1918	36° 36' 25.79" N	120° 51' 31.37" W	0.253	--	0.253
V-849	36° 36' 32.79" N	120° 53' 8.19" W	1.462	--	1.462
TOTALS			2.694	0.792	3.486

V. Project Description:

In San Benito County, Pacific Gas and Electric Company (PG&E) owns and operates two natural gas pipelines, Gas Line 300A (L-300A) and Gas Line 300B (L-300B), that supply natural gas to the greater San Francisco Bay Area. PG&E is mandated by federal and state law to inspect and maintain these pipelines for safety. Prior pipeline inspections on both L-300A and L-300B identified a potential internal anomaly on L-300B and corrosion of exposed pipeline on both L-300A and L-300B, prompting the need for the Project. Additional routine inspections identified three new locations that require maintenance. The Project generally includes inspection and repair of any damage (corrosion, dents, etc.) that may be present, as well as one pipeline replacement, and one installation of a main line valve station and blowdown stack.

Maintenance and repair activities associated with the Project include two investigative digs and associated sniff holes, recoating at a pipeline span, one pipeline replacement, one installation of a main line valve station and blowdown stack, and cross compression (i.e., moving gas from one pipe to another). Maintenance activities were completed at three separate Work Areas to date: Investigative Dig (ID)-78, a sniff hole at ID-78, and Span 24. Maintenance activities will occur at four separate Work Areas: ID-650G-1, a sniff hole at ID-650G-1, R-1918, and V-849. One other Work Area will also be used to support maintenance and repair activities and will consist of a cross compression site.

Investigative Dig ID-78

Internal pipeline inspections on L-300B identified a potential anomaly at MP 413.0974. ID-78 is necessary to excavate soil around the pipe and physically inspect and repair any damage (corrosion, dents, etc.) that may be present.

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Project Access and Work Areas

Prior to construction, overland access will be established for the ID-78 Work Area east of Panoche Creek. The access route will be identified with flagging or posts and rope and will generally follow the existing dirt track from Recalde Road to the work area. From Recalde Road, crews will access the ID-78 Work Area by traveling overland for approximately 427 feet to the Work Area east of the creek. The Work Area will cover approximately 0.172 acres and will include up to one bell hole and a pair of sniff holes. The bell hole excavation will measure approximately 10 feet wide by 12 feet long by 11 feet deep and will expose the section of pipe that requires inspection and repair. If cutout repairs are determined to be necessary, two sniff hole excavations measuring approximately 8 feet square and 11 feet deep will be required as a safety measure to detect leaking gas in the line while the crews are conducting repair work. The eastern sniff hole will be accessed from the ID-78 Work Area and will be excavated east of the ID-78 bell hole. The western sniff hole workspace will cover approximately 0.061 acres and will be accessed from Panoche Road along an approximately 508-foot existing dirt road on the west side of Panoche Creek (Figure 2a).

Construction Methods

PG&E will use a backhoe and/or vacuum truck to excavate potholes to locate reference girth welds and confirm the locations of the pipeline anomaly. A backhoe and shovels will be used to fully excavate soils and expose the anomaly for inspection and repair. Shoring will be installed to prevent sloughing of soil into the excavation. Stockpiled soils will be stored on site adjacent to each excavation, with topsoil segregated to maintain the existing seed bank. Stockpiles will be covered and maintained with appropriate best management practices. Excavated material not used for backfill will be disposed of at an appropriate off-site location. If dewatering is necessary, groundwater will be treated for sediment and discharged into an upland area; no ponding will occur.

Following identification and inspection of the anomaly, repairs to the pipe may be required. Repairs could include, but may not be limited to, recoating, installation of a sleeve, or replacement of a segment of the pipeline. Following repairs, the excavation will be backfilled with native sub- and top-soils and compacted in place. The soil will be stabilized with erosion control measures and reseeded with a native seed mix. PG&E may use the following equipment on the site: backhoe, front-loader, vacuum truck, work trucks, compressor, welding truck, x-ray truck, and hand tools.

Project activities at ID-78 began on September 22, 2021, and were completed on November 17, 2021.

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Investigative Dig ID-650G-1

An in-line inspection previously identified an anomaly on pipeline L-300B at MP 413.17 (Figure 2b). The ID-650G-1 Work Areas will require excavation and physical inspection of the pipe so that a suitable repair decision can be made, and the appropriate repair or replacement can be executed.

Project Access and Work Areas

Crews will access the ID-650G-1 Work Areas from two dirt access roads off Recalde Road. These same roads were used at the ID-78 Work Areas. The access road to the western Work Area begins approximately 0.5 miles east of the intersection of Recalde Road and Panoche Road and continues overland southeast for approximately 506 feet to the Work Area. Access to the eastern Work Area begins approximately 0.65 miles east of the intersection of Recalde Road and Panoche Road and continues overland south for approximately 425 feet to the Work Area. Both access roads are approximately 15 feet in width.

The western Work Area is approximately 0.25 acres and includes a primary excavation and contingency sniff hole. The primary excavation shall measure approximately 10 feet wide by 12 feet long and 9 feet deep to allow for inspection of the pipeline anomaly. Once the pipe has been inspected, a repair decision will be made which could include recoating the pipe, installation of a sleeve, patching the existing pipe, or an in-kind replacement of a segment of the pipeline. If it is determined that a segment of pipe must be replaced to address the anomaly, a sniff hole excavation measuring approximately 6 feet square and 9 feet deep will be excavated approximately 100 feet from the primary excavation within the western Work Area to access the pipeline and safely clear any residual gas from the pipe prior to welding. A second sniff hole excavation measuring 6 feet square and 9 feet deep would be required within the approximately 0.09-acre eastern Work Area if the repair requires replacement of pipe. If the pipe can be repaired without replacing a segment, the two sniff holes will not be excavated. No work, including access, will occur within the bed, bank, or channel of Panoche Creek.

Construction Methods

At the primary excavation, a backhoe and/or vacuum truck will excavate a pothole to locate reference girth welds and confirm the locations of the pipeline anomaly. A backhoe and shovels will be used to excavate soils around the pipeline and expose the anomaly for inspection and repair. Shoring will be installed to prevent sloughing of soil into the excavation.

Prior to excavation, the top 6 to 12 inches of topsoil will be removed and segregated from other spoils to retain the seedbank, then the topsoil will be re-spread over the excavation after it has been backfilled. Stockpiled soils will be stored in uplands on site adjacent to each

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excavation. Excavated material not used for backfill will be disposed of at an appropriate off-site location. In the event that dewatering from the excavation is required, groundwater will be removed using a containment vehicle, treated for sediment and discharged into an upland area for dust control or directly off hauled to an approved disposal facility. No ponding will be allowed.

Once the repair is completed, the excavations will be backfilled with wet sand around the top of pipe then native soil and topsoil will be added to bring to final grade. Erosion will be controlled by stabilizing the soil with weed-free native seed mix.

If a cutout repair (replacement) is determined to be necessary after inspection, excavation of the two sniff holes will follow the methods described above for the primary excavation.

PG&E may use the following equipment on the site: excavator, backhoe, hydrovac trucks, pick-up trucks, portable generators, water truck, air compressor, light plant, portable sanitation facility, temporary fencing, shoring, water pump, hydrotest trailer, vacuum truck, welding rig, haul truck water buffalo, coating truck, and hand tools.

Schedule

Project activities are expected to require approximately 6 to 12 weeks to complete but may extend to approximately 16 weeks if there are unforeseen delays.

R-1918

A retired 12-inch diameter pipeline stub (labeled BD602), blowdown stack, and valve are located on L-300B just east of Norton Road (Figure 2c). The approximately 105-foot stub, blowdown stack, and valve need to be removed to avoid unnecessary inspections and pressure constraints. After the removal of stub BD602, the blowdown stack, and the valve, the retired segment of L-300B will be replaced with straight pipe. The R-1918 activities will occur during the cross-compression clearance in tandem with the ID-650G-1 and V-849 activities.

Project Access and Work Area

The R-1918 Work Area is located in Panoche Valley adjacent to the east side of Norton Road, approximately 0.08 miles north of the intersection of Norton Road and Panoche Road. Crews will remove a segment of the existing barbed wire fence to access the site. The Work Area is approximately 0.25 acres.

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Construction Methods

A pothole will be excavated with a backhoe and/or vacuum truck to locate the tee fitting connecting L-300B and BD602. Once located, a main bell hole excavation measuring approximately 8 feet wide by 10 feet long by 9 feet deep will be excavated to expose L-300B and the valve, and a trench measuring approximately 2 feet wide by 105 feet long by 9 feet deep will be excavated along stub BD602. A bell hole excavation measuring approximately 8 feet square by 9 feet deep will also be excavated at the abandoned blowdown stack to allow for removal. Shoring will be installed to prevent sloughing of soil into the excavations. Because a segment of L-300B will need to be cut out to remove the valve and stub, two sniff holes measuring approximately 6 feet square by 9 feet deep will be required, one on each side of the main bell hole excavation. Once the sniff holes are excavated and the pipe segment has been cleared of gas, the retired pipe, the blowdown stack, and the valve will be removed and cut from L-300B, and a new segment of straight pipe will be installed in place of the old valve and stub on L-300B. The new segment will be hydrotested, welded to each tie-in point, X-ray inspected, and coated prior to backfill. The removed valve, pipe segments, and blowdown stack will be hauled offsite for disposal at an approved facility.

Prior to excavation, the top 6 to 12 inches of topsoil will be removed and segregated from other spoils to retain the seedbank then re-spread over the excavation after it has been backfilled. Stockpiled soil will be stored on site. Excavated material not used for backfilling will be disposed of at an appropriate offsite location. In the event that dewatering from the excavation is required, groundwater will be removed using a containment vehicle, treated for sediment and discharged into an upland area for dust control or directly off hauled to an approved disposal facility. No ponding will occur as part of this activity.

Once the repair is completed, the excavations will be backfilled with wet sand around the top of the pipe then native soil and topsoil will be added to bring to final grade. Erosion will be controlled by stabilizing the soil with weed-free native seed mix.

The following equipment will be used for the Project activities: backhoe, front-loader, vacuum truck, dump truck, flatbed, work trucks, compressor, generator, welding truck, x-ray truck, and hand tools.

Schedule

Project activities are expected to require approximately 5 to 8 weeks to complete but may extend to approximately 12 weeks if there are unforeseen delays.

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V-849

A new main line valve (MLV) and associated blowdown stack are required to be installed at MP 415 to bring a Class 3 segment of L-300B within Panoche Valley into compliance with Code of Federal Regulations (CFR) 192.179. This segment of L-300B pipeline is categorized as Class 3 due to the number of buildings intended for human occupation inside the Class Location Unit. CFR 192.179 requires that Class 3 pipeline segments have a valve within 4 miles to allow for isolation of the pipe segment in case of emergency. This requirement is not currently met, so a new MLV will be installed along with an accompanying blowdown stack that will allow the pipeline to be vented when needed.

Project Access and Work Area

Crews will access the V-849 Work Area by travelling 0.5 miles west of the intersection of Little Panoche Road and Panoche Road, then north along a private established graveled access road labeled "Oliver Road" 0.1 miles to the Work Area (Figure 2d). All access will occur via existing roads. The total footprint of the Work Area including the staging area is approximately 1.46 acres.

Construction Methods

The MLV station will require two bell hole excavations measuring approximately 30 feet long by 10 feet wide by 10 feet deep and approximately 20 feet long by 8 feet wide by 10 feet deep. A trench measuring approximately 48 feet long by 2 feet wide by 10 feet deep will be excavated from the MLV bell hole to the blowdown stack bell hole. The blowdown stack bell hole will be approximately 6 feet square by 10 feet deep. Shoring will be installed to prevent sloughing of soil into these excavations. Sniff hole excavations are required on each side of the MLV excavation that will measure approximately 6 feet square and 10 feet deep.

Once excavations to expose L-300B are complete, a segment of the existing pipeline will be cut out to make room for the new valves, including a new 34-inch valve and two new 12-inch bridle valves. A new 12-inch pipeline segment and a new blowdown stack will also be installed. All new equipment will be hydrotested, welded to each tie-in point, X-ray inspected, and coated prior to backfill.

Prior to excavation, the top 6 to 12 inches of topsoil will be removed and segregated from other spoils to retain the seedbank then re-spread over the excavation after it has been backfilled. Stockpiled soil will be stored on site. Excavated material not used for backfilling will be disposed of at an appropriate offsite location. In the event that dewatering from the excavation is required, groundwater will be removed using a containment vehicle, treated for sediment and discharged into an upland area for dust control or directly off hauled to an approved disposal facility. No ponding will be allowed.

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Once the installation is completed, the excavations will be backfilled with wet sand around the top of pipe then native soil and topsoil will be added to bring to final grade. Erosion will be controlled by stabilizing the soil with weed-free native seed mix, apart from approximately 0.02 acres surrounding the MLV and blowdown stack where gravel and fencing will be installed for permanent access and to ensure security and public safety.

The following equipment will be used for the Project activities: backhoe, front-loader, vacuum truck, work trucks, compressor, generator, welding truck, x-ray truck, and hand tools. The previously listed equipment will be stored at the temporary laydown area, including a restroom facility, work trailer, stockpiles, metal dumpsters, and water tank.

Schedule

Project activities are expected to require approximately 5 to 8 weeks to complete but may extend to approximately 12 weeks if there are unforeseen delays.

Cross Compression

The maintenance activities for R-1918 and V-849 will be grouped together and performed during the same cross-compression clearance of gas from L-300B. If the ID-650G-1 repair requires a cut-out and replacement of pipe, work will be conducted during the clearance taken for R-1918 and V-849.

Project Access and Work Areas

Gas clearance will occur at the valve station located at L-300B MP 410.87. Pedestrian and equipment access to the valve station will be from Panoche Road. Temporary equipment and above-ground operations will be confined to an approximately 0.40-acre area (Figure 3).

Construction Methods

Cross compression equipment will include three trailers and a compressor. Temporary aboveground high-pressure hoses will connect the compressor to the valves on L-300A and L-300B. Hose installation may require a utility truck-mounted crane or similar equipment to lift and place the hoses. Lights will be staged on site and will be faced in a downward position if cross compression activities are required at night. When the inspection and repair activities on L-300B are completed, gas will be returned to the pipeline and all cross-compression equipment will be removed. No excavation is required for cross compression, and temporary impacts will be limited to vehicular traffic and equipment staging only.

The following equipment may be used for Project activities: three compressor units, heavy-duty passenger truck with crane, compression hoses, support trailer, light, generator, and blue room.

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Schedule

Clearance activities are expected to require one week to complete.

Span 24

Span 24 is located where L-300A transitions through the undulating topography of the Tumey Hills. While this pipeline is mostly buried underground, portions of the pipeline are intentionally exposed between steep elevation changes along the hills. The exposed pipe at the air-to-soil (ATS) transitions is susceptible to external corrosion due to environmental conditions on the outside of the pipe. External corrosion will be repaired by recoating the ATS transition at Span 24.

Project Access and Work Areas

Span 24 will be accessed from an unnamed dirt road that connects to Panoche Road approximately 2.1 miles south of the cross-compression site. Crews will access the site in pickup trucks along existing paved and unpaved roads and will walk in where needed to avoid sensitive resources along overland access routes. Vehicle staging will occur at established locations along existing roads or access routes. Crews will travel south approximately 0.4 miles on the established dirt road to a designated vehicle staging area on the dirt road. To reach the span, crews will travel south on foot along an existing unimproved 530-foot overland route. The Work Area at the span will cover approximately 87 square feet (0.002-acre). If sandblasting is required, a utility truck or utility terrain vehicle (UTV) will travel along the overland access route to an approximately 130-square-foot (0.003-acre) designated staging area located next to the span (Figure 4).

Construction Methods

Recoating typically involves exposing the pipeline, removing the existing damaged coating, preparing the pipe surface for the new coating, and then applying new coating. Soil around the pipeline will be excavated with hand tools approximately 3 feet back from the ATS transition to expose the pipe and to facilitate inspection and coating removal. Excavated soils will be temporarily stockpiled in established Work Areas located adjacent to the pipe. Any existing pipe coating that is found to be loose mill scale, loose rust, loose paint, and other loose detrimental foreign matter will be removed from the pipe with hand tools and disposed of offsite. Primary containment of removed coating will be by hand. Secondary containment will involve placing polyethylene plastic sheeting below the pipeline to capture the removed coating. All voids and pockets along the removed coating area will be filled and the pipe will be recoated by wrapping with cold-applied tape. The excavation will be backfilled with stockpiled soil and the site will be restored to preconstruction contours and elevations.

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Stockpiled topsoil will be spread over disturbed areas, stabilized as needed with erosion control measures, and reseeded with a native seed mix.

If additional corrosion or mechanical damage is identified once the pipe coating is removed, sandblasting may be required to remove the corroded or damaged material. Sandblasting will require use of a UTV or truck-mounted sand blast pot and generator. Crews will encase the sandblast work location with plastic sheeting to contain sand blast media and prevent it from leaving the Work Area. Sandblasting trucks/UTVs will be staged in the designated area west of Span 24. Crews will use hosing to reach the sandblast area from the staged sandblasting equipment.

Project activities at Span 24 began on October 15, 2021, and were completed on November 27, 2021.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status⁴</u>
1. Giant kangaroo rat (<i>Dipodomys ingens</i>)	Endangered ⁵
2. San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁶
3. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>)	Threatened ⁷

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

VII. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include excavation, stockpiling, backfilling, compaction, dewatering, sandblasting, and other related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as: equipment strikes during ingress and egress and hauling of materials; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during excavation and backfill; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during

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

⁵See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(6)(C).

⁶See *Id.*, subd. (b)(6)(E).

⁷See *Id.*, subd. (b)(6)(B).

top soil or soil compaction; the capture or entrapment in holes or trenches; and excavation of burrow systems. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so during capture and relocation of Covered Species out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include the areas described in Table 1 above (collectively, the Work Area(s)), and traveling to and from each Work Area within the Project Area (see Figures 2a through 4; collectively, the Project Area). The Work Area(s) are defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.

The Project is expected to cause the temporary loss of 3.47 acres of habitat for the Covered Species and the permanent loss of 0.02 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from earthwork, equipment operation, and traffic; temporary displacement; increased vulnerability to predation, exposure, or stress through disorientation; and loss of burrowing habitat used for shelter and escape cover. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

VIII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

IX. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, and noise and vibration generating activities that may/will cause take. CDFW's issuance of this 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.

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2. 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.

3. General Provisions:

- 3.1. 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.
- 3.2. Designated Biologist/Designated Monitor.** Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of proposed Designated Biologist(s) before starting Covered Activities using the Biologist Resume Form (Attachment 2) or another format containing the same information. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the proposed Designated Biologist(s)' experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat (GKR) and San Joaquin antelope squirrel (SJAS), as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. CDFW may approve Designated Monitor(s) that do not meet the qualifications of a Designated Biologist to assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). If the Permittee chooses to utilize Designated Monitor(s), the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references with contact information of the proposed Designated Monitor(s). Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW.

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- 3.3. Designated Biologist/Designated Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to 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/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated 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.
- 3.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, definition of 'take', recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. 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. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 3.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Designated Monitor(s) shall maintain construction monitoring documentation on-site 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 notebook is available for review at the Project site upon request by CDFW.

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- 3.6. 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 at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 3.7. 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. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 3.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 3.9. Dogs.** Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 3.10. 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 worker education program described in Condition of Approval Education Program.
- 3.11. Delineation of Project Boundaries.** Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area, at which time they should be removed.

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- 3.12. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all signs, stakes, flags, rope, cord, and fencing until the completion of Covered Activities in that area, at which time they should be removed.
- 3.13. Permission for Project Access to Silver Creek Ranch.** Prior to initiating any vegetation- or ground-disturbing Covered Activities, Permittee shall provide CDFW with proof of permission from the owner (Center for Natural Lands Management, or CNLM) and Conservation Easement grantee to access all Work Areas on the privately owned and permanently conserved Silver Creek Ranch (see Figure 5 for boundaries of Silver Creek Ranch, depicted on this figure as Silver Creek Ranch HM lands). If any Work Areas are within the Silver Creek Ranch, Permittee shall provide CDFW with proof of easement to its pipeline and associated infrastructure right-of-way prior to any ground-disturbing activities on Silver Creek Ranch. All activities, including but not limited to, access and vegetation- or ground-disturbance activities on the Silver Creek Ranch, shall be conducted in accordance with allowable uses as designated in the Conservation Easement for the Ranch. Any take of Covered Species will not be covered by this ITP if it occurs as a result of a prohibited use as defined in the Silver Creek Ranch Conservation Easement. Permanent habitat removal shall not occur on Silver Creek Ranch.
- 3.14. Project Access.** Project-related personnel shall access the Project Area using existing routes, routes identified in the Project Description, or routes where Permittee has permission to access and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour during daylight hours (sunrise to sunset) and 10 miles per hour during nighttime hours 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 or Covered Species habitat impacts will occur as a result of the Project modification.
- 3.15. 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

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Project Area unless provided for as described in Condition of Approval Delineation of Project Boundaries of this ITP.

- 3.16. Hazardous Waste.** Permittee shall properly maintain all machinery to prevent spills and leaks. 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.
- 3.17. 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.
- 3.18. 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.

4. Monitoring, Notification and Reporting Provisions:

- 4.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 4.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW in writing if they determine that 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 and or Designated Biologist(s) 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.
- 4.3. Giant Kangaroo Rat Mortality Reduction and Relocation Plan.** Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited

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to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured GKR. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Approved Designated Monitors may capture, handle, and relocate GKR under the direct supervision of the Designated Biologist. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.

- 4.4. San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan.** Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured SJAS. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Approved Designated Monitors may capture, handle, and relocate SJAS under the direct supervision of the Designated Biologist. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 4.5. San Joaquin Kit Fox Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the start of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and

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map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

- 4.6. Compliance Monitoring.** The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(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. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections daily during construction.
- 4.7. Record of Covered Species Relocation Efforts.** The Designated Biologist(s) shall maintain a record of all GKR and SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist(s) shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval Monthly Compliance Report below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval Final Mitigation Report below shall include cumulative results, analysis of data collected, and conclusions.
- 4.8. Monthly Compliance Report.** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Conditions of Approval Compliance Monitoring and Record of Covered Species Relocation Efforts into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include

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an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within each Work Area, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in each Work Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 5th day of the month it is due commencing with August 5, 2021. At the time of this ITP's approval, the CDFW Regional Representative is Stephanie Manzo (Stephanie.Manzo@wildlife.ca.gov), the CDFW Regional Office email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time adjust 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 shall be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 4.9. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval Monthly Compliance Report; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species, burrow, and/or den was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; (10) the number of acres of permanent habitat disturbance anticipated to occur in the Project Area during the coming year, if applicable; (11) the proposed Covered Activities to be undertaken in the coming year; (12) Geographic Information Systems (GIS) data files depicting the current extent of permanent and temporary disturbance associated with the Project; and

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(13) information about other Project impacts on the Covered Species. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval Monthly Compliance Report above.

- 4.10. CNDDDB Observations.** The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 4.11. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 4.12. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by contacting the Regional Office at R4CESA@wildlife.ca.gov and emailing the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

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

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- 5.1. Designated Biologist On Site. The Designated Biologist(s) shall be on site for the duration of the day during all activities that may result in the take of Covered Species.
- 5.2. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.
- 5.3. Delineation of Ingress and Egress Routes. Permittee shall flag or otherwise clearly mark all access roads in the field from the primary access roads and vehicle operation shall be limited to these designated ingress and egress routes.
- 5.4. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval GKR Burrow Excavation, SJAS Burrow Excavation, and SJKF Den Excavation.
- 5.5. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist(s) shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.
- 5.6. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 5.7. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into Panoche Creek or any other "Waters of the State", in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 5.8. 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

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structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure.

Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist(s) shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.

- 5.9. Excavation Inspection.** The Designated Biologist(s) and/or Designated Monitor(s) shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) and/or Designated Monitor(s) shall thoroughly inspect them for Covered Species. 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 the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.

- 5.10. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, hoses, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist(s) and/or Designated Monitor(s) shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee

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shall get written concurrence prior to proceeding with eviction of the Covered Species.

- 5.11. Covered Species Observations.** All workers shall inform the Designated Biologist(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or a GKR or SJAS is moved by the Designated Biologist(s) as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.
- 5.12. Delineation of Environmentally Sensitive Areas.** Permittee shall clearly delineate Environmentally Sensitive Areas in the Project Area prior to the start of ground-disturbing activities. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval GKR Burrow Avoidance, SJAS Burrow Avoidance, and SJKF Den Avoidance. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval GKR Relocation, GKR Burrow Excavation, SJAS Relocation, SJAS Burrow Excavation, SJKF Den Replacement, and SJKF Den Excavation.
- 5.13. Vegetation Removal.** Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of the Designated Biologist(s) using hand tools within the Project Area to encourage Covered Species to move out of the area.
- 5.14. Habitat Restoration.** Within three months of issuance of this ITP, Permittee shall submit a Habitat Restoration Plan to CDFW for review and approval to facilitate revegetation of the 3.47 acres of temporary disturbance on site. Permittee shall restore the soil and vegetation to a condition conducive for Covered Species recolonization. Permittee shall ensure restoration is completed in compliance with the Silver Creek Ranch Conservation Easement and Long-term Management Plan and that the Habitat Restoration Plan is successfully implemented by the contractor. At a minimum, the Habitat Restoration Plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of

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the areas prior to commencement of any restoration activities; (3) identification of the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet; (4) description of how the native topsoil from the Work Areas and/or seed will be applied over the area to establish suitable vegetation for Covered Species; (5) a California native plant palette and seed sources; (6) a planting plan, including seed application method; (7) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (8) avoidance and minimization measures; (9) monitoring and maintenance measures and a timeline when these will occur; (10) proposed success criteria and contingency measures if the first application is unsuccessful to ensure upland habitat suitability for Covered Species; (11) a funding source to cover the total costs of restoration; and (12) indicate the time of year seeding will occur to ensure adequate growth without supplemental watering or describe the methods of supplemental watering delivery. The Permittee shall begin habitat restoration activities described in the Habitat Restoration Plan, including any required seeding or plantings, within 1 year of completed ground disturbance at any Project location (ID-78, ID-78 Sniff Hole, Cross Compression, Span 24, ID-650G-1, ID-650G-1 Sniff Hole, R-1918, and V-849).

5.15. Pre-Construction Surveys and Reporting. The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species (SJKF, GKR, and SJAS) no more than 30 days prior to Covered Activities.

5.15.1. GKR Surveys. The Designated Biologist(s) shall survey the Work Area and a 50-foot buffer to identify, flag, and map all potential GKR burrows, whether they appear active or inactive, no more than 30 days prior to initiating any Covered Activities. Permittee shall provide the results in a GKR Burrow Map Survey written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will commence as described in Condition of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan.

5.15.2. SJAS Surveys. The Designated Biologist(s) shall survey the Work Area and 50 feet beyond the limits of the Work Area to identify all potential burrows used by SJAS. The survey shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no

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more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan.

5.15.3. SJKF Surveys. The Designated Biologist(s) shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and wildlife camera to determine the current use of the den(s). Permittee shall provide the pre-construction survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date, and time of the survey, the number of potential SJKF dens, and a discussion and map of the locations of each potential, known, and natal SJKF den.

5.16. Temporary Exclusion Fencing. Permittee shall install Temporary Exclusion Fencing around the perimeter of the Work Areas immediately following pre-construction surveys in accordance with Condition of Approval Pre-Construction Surveys and Reporting. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist(s) using hand tools within the Work Area.

5.17. Temporary Exclusion Fencing Installation. In Work Areas where exclusion fencing will be installed, the Designated Biologist(s) shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows and dens cannot be avoided in accordance with the appropriate buffer distances described in Conditions of Approval GKR Burrow Avoidance, SJAS Burrow Avoidance, and SJKF Den Avoidance as applicable, they shall be excavated as described in Conditions of Approval GKR Burrow Excavation, SJAS Burrow Excavation, and SJKF Den

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Excavation below prior to commencing fence installation if fence will be trenched. If installing trenchless fence, the Designated Biologist(s) shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist(s) shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.

GKR Specific Measures

- 5.18. GKR Burrow Avoidance.** The Designated Biologist(s) shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within and adjacent to the Work Area, identified in the GKR Burrow Map Survey report required by Condition of Approval GKR Surveys. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Condition of Approval GKR Relocation and GKR Burrow Excavation below.
- 5.19. GKR Relocation.** Any potential GKR burrows detected by the Designated Biologist(s) within the Work Area that cannot be avoided per Condition of Approval GKR Burrow Avoidance shall be live trapped by the Designated Biologist(s) immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist(s) shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan). The Designated Biologist(s) shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials within the release cages or artificial burrows.
- 5.20. GKR January 1-August 31 Trapping Constraints.** To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise. The Designated Biologist(s) shall release any captured pregnant or lactating/nursing female or dependent juvenile GKR immediately at the trap location.

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- 5.21. GKR Weather Constraints for Trapping.** During the threat of inclement weather, such as the National Weather Service **prediction** of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist(s) shall close all traps for GKR. Additionally, the Designated Biologist(s) shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist(s) shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist(s) shall replace this material with new material after each time a capture occurs in a given trap.
- 5.22. GKR Burrow Excavation.** Immediately following live trapping activities conducted to address Condition of Approval GKR Relocation and prior to commencing Covered Activities within the Work Area the Designated Biologist(s), or an individual under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist(s) shall relocate any GKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed within the release cages or artificial burrows.
- 5.23. GKR Pregnant or Lactating Females and Dependent Juveniles.** Permittee shall minimize disturbance to pregnant or lactating female or dependent juvenile GKR trapped and released according to Condition of Approval GKR January 1-August 31 Trapping Constraints above during burrow excavation. Permittee shall not excavate precincts known to contain a pregnant or lactating female and/or dependent juvenile GKR. Permittee shall maintain a 250-foot buffer between precincts containing pregnant or lactating females and/or dependent juvenile GKR and all Covered Activities until lactation has ceased. The Designated Biologist(s) may monitor activity at the precinct with a remote camera. Because the occupied precinct will be enclosed with fencing that could potentially inhibit or preclude foraging, the Designated Biologist(s) shall place a sufficient amount of seed to sustain a nursing female with dependents at the precinct opening. If the Designated Biologist(s) can determine with certainty which precinct the pregnant and/or lactating female with dependents is occupying, adjacent precincts may be excavated only if impacts to the precinct occupied by the pregnant and/or lactating female with dependents are completely avoided.
- 5.24. Protection of GKR Food Stores.** Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan

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required in Condition of Approval Giant Kangaroo Rat Mortality Reduction and Relocation Plan, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.

SJAS Specific Measures

- 5.25. SJAS Burrow Avoidance.** The Designated Biologist(s) shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas, identified in the survey report required by Condition of Approval SJAS Surveys. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval SJAS Burrow Excavation below.
- 5.26. SJAS Relocation.** The Designated Biologist(s) shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within each Work Area that cannot be avoided per Condition of Approval SJAS Burrow Avoidance prior to commencing Covered Activities. The Designated Biologist(s) shall relocate any captured SJAS to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan). SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). Approval to conduct relocation outside of this time period will require the seven-day forecast **predicted by the National Weather Service** that can be independently verified by both CDFW and the Permittee to have daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site. Traps shall only be open during the time of day when **on-site temperatures** are within the 68 to 86 degrees Fahrenheit criteria and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. If relocation occurs prior to April 1 and/or

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after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping.

- 5.27. SJAS Burrow Excavation.** Immediately following live trapping activities conducted to address Condition of Approval SJAS Relocation and prior to commencing Covered Activities, the Designated Biologist(s), or an individual under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall commence during the same weather conditions as discussed in Condition of Approval SJAS Relocation above. The Designated Biologist(s) shall relocate any SJAS encountered during burrow excavation to the CDFW-approved release site(s) identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist(s) (Condition of Approval San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan). Any dormant SJAS encountered shall be collected by the Designated Biologist(s) and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be initiated immediately after the conclusion of live trapping and shall continue until completed even if on-site daytime high temperatures are below 68 degrees Fahrenheit or above 86 degrees Fahrenheit.

SJKF Specific Measures

- 5.28. SJKF Den Avoidance.** Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist(s) shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist(s) shall remove the object immediately after Covered Activities are completed in the Project Area when the Designated Biologist(s) has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert),

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Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area.

5.29. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval SJKF Den Avoidance, with an artificial den. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Installation of artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval SJKF Den Excavation) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval San Joaquin Kit Fox Den Replacement Plan.

5.30. SJKF Den Excavation. The Designated Biologist(s) or individuals under direct supervision of the Designated Biologist(s) shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval SJKF Den Avoidance only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and wildlife camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and

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tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den no disturbance buffer may be removed once the SJKF is no longer using the area.

5.31. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility within seven (7) days of issuance of this ITP. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval Notification of Take or Injury. Notifications shall include the name of the facility where the animal was taken.

5.32. Dewatering. If dewatering of excavations is necessary, groundwater shall be discharged in a manner that avoids impacts to Covered Species and their burrows, precincts, or dens, as applicable. Groundwater discharge activities shall occur outside of Environmentally Sensitive Areas and work exclusion zones, as specified in Conditions of Approval Delineation of Environmentally Sensitive Areas, GKR Burrow Avoidance, SJAS Burrow Avoidance, and SJKF Den Avoidance. If groundwater is discharged in the vicinity of Panoche Creek, water pumped from the Work Site shall be discharged to a location outside the wetted channel to allow sediment to drop out.

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

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To meet this requirement, the Permittee shall either purchase 5 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval Covered Species Credits) OR shall provide for both the permanent protection and management of 5 acres of Habitat Management (HM) lands pursuant to Condition of Approval Habitat Management Lands Acquisition and Protection below, and the calculation and deposit of the management funds pursuant to Condition of Approval Endowment Fund below, on a portion of a 40-acre parcel (hereafter "mitigation parcel") owned in fee by the Permittee in the Panoche Valley, San Benito County (Assessor's Parcel Number 027-360-008). The mitigation parcel consists of 40 acres of good quality, functionally suitable habitat for the Covered Species and is surrounded by the permanently conserved 10,890-acre Silver Creek Ranch, set aside as HM Lands by ITP No. 2081-2014-035-04 (Panoche Valley Solar Project). Permittee previously proposed and was approved to conserve 8 acres of the 40-acre mitigation parcel to meet HM Lands requirements of ITP No. 2081-2011-071-04 (2011 Hydrotest Project) and 0.6 acres to meet HM Lands requirements of ITP No. 2081-2017-005-04 (ID-71 Project). Combined, these lands will be preserved and managed under one conservation easement. In addition to serving as Project-level mitigation for this ITP and the two mentioned above, the remaining 26.4 acres of the 40-acre parcel is intended to meet future mitigation obligations related to Permittee's future gas transmission projects in the Panoche Valley.

CDFW has conceptually approved to the appropriateness of 5 acres of HM lands within the 40-acre mitigation parcel as suitable to meet the HM Lands requirement of this ITP. Prior to final approval of the HM lands, CDFW shall review the information submitted as described in Condition of Approval HM Lands Documentation. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or by July 1, 2031, if Security is provided pursuant to Condition of Approval Security below for all uncompleted obligations.

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

- 6.1.1. Land acquisition costs for HM lands identified in Condition of Approval Habitat Management Lands Acquisition and Protection below, estimated at \$8,047.50/acre for 5 acres: **\$40,237.50**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees;
- 6.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval Start-up Activities below, estimated at **\$22,153.89**;

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- 6.1.3. Interim management period funding as described in Condition of Approval Interim Management (Initial and Capital) below, estimated at **\$77,540.21**;
- 6.1.4. Long-term management funding as described in Condition of Approval Endowment Fund below, estimated at \$100,761.36/acre for 5 acres: **\$503,806.80**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;
- 6.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval Reimburse CDFW, estimated at **\$15,000**;

6.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 5 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or by July 1, 2031, if Security is provided pursuant to 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 by July 1, 2031, if Security is provided.

OR:

6.3. Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands, then the Permittee shall:

- 6.3.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.
- 6.3.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the

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

- 6.3.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species;
- 6.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 6.3.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.

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6.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

6.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, and biological surveys. Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

6.4. Endowment Fund. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which

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costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval Start-up Activities. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 6.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with section 2081(b)(3).
- 6.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands

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(Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

- 6.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- 6.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
 - 6.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
 - 6.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
 - 6.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 6.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.
- 6.4.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code

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sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

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

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

- 7.1. Security Amount.** The Security shall be in the amount of **\$658,738.40**. This amount is based on the cost estimates identified in Condition of Approval Cost Estimates above.
- 7.2. 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.
- 7.3. Security Timeline.** The Security shall be provided in draft form to CDFW's Regional Representative for review and approval prior to execution. Permittee shall execute the CDFW-approved Security before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

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- 7.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 7.5. 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.
- 7.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 7.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

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

OR:

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

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than July 1, 2031. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

X. Amendment:

This 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

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conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

XI. Stop-Work Order:

If CDFW determines the 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) nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XII. 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.

XIII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2019-020-04) 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
R4CESA@wildlife.ca.gov

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and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 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:

Stephanie Manzo, Environmental Scientist
California Department of Fish and Wildlife
1130 East Shaw Avenue
Fresno, California 93710
(559) 578-0409
Stephanie.Manzo@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act (CEQA):

As the "public agency which has the principal responsibility of approving the ID-78/ID-650G-1/R-1918/V-849/Span 24, L-300," (Pub. Resources Code, § 21067.), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because the Project is subject to California Code of Regulations, title 14, section 15282, subdivision (k), "The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length"; as well as Public Resources Code, section 21080.21, "This division does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline. For purposes of this section, 'pipeline' includes subsurface facilities but does not include any surface facility related to the operation of the underground facility." (Pub. Resources Code, § 21080.21.). CDFW has filed a Notice of Exemption for the Project.

XV. Findings Pursuant to CESA:

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

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CDFW finds based on substantial evidence in the ITP application and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 5 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable

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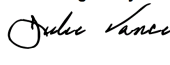
impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XVI. Attachments:

FIGURE 1a	Project Locations
FIGURE 1b	Project Locations (Continued)
FIGURE 2a	ID-78
FIGURE 2b	ID-650G-1
FIGURE 2c	R-1918
FIGURE 2d	V-849
FIGURE 3	Cross Compression Site
FIGURE 4	Span 24
FIGURE 5	Panoche Valley Solar Project Habitat Management Lands
ATTACHMENT 1	Amended Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Major Amendment No. 3 with Track Changes

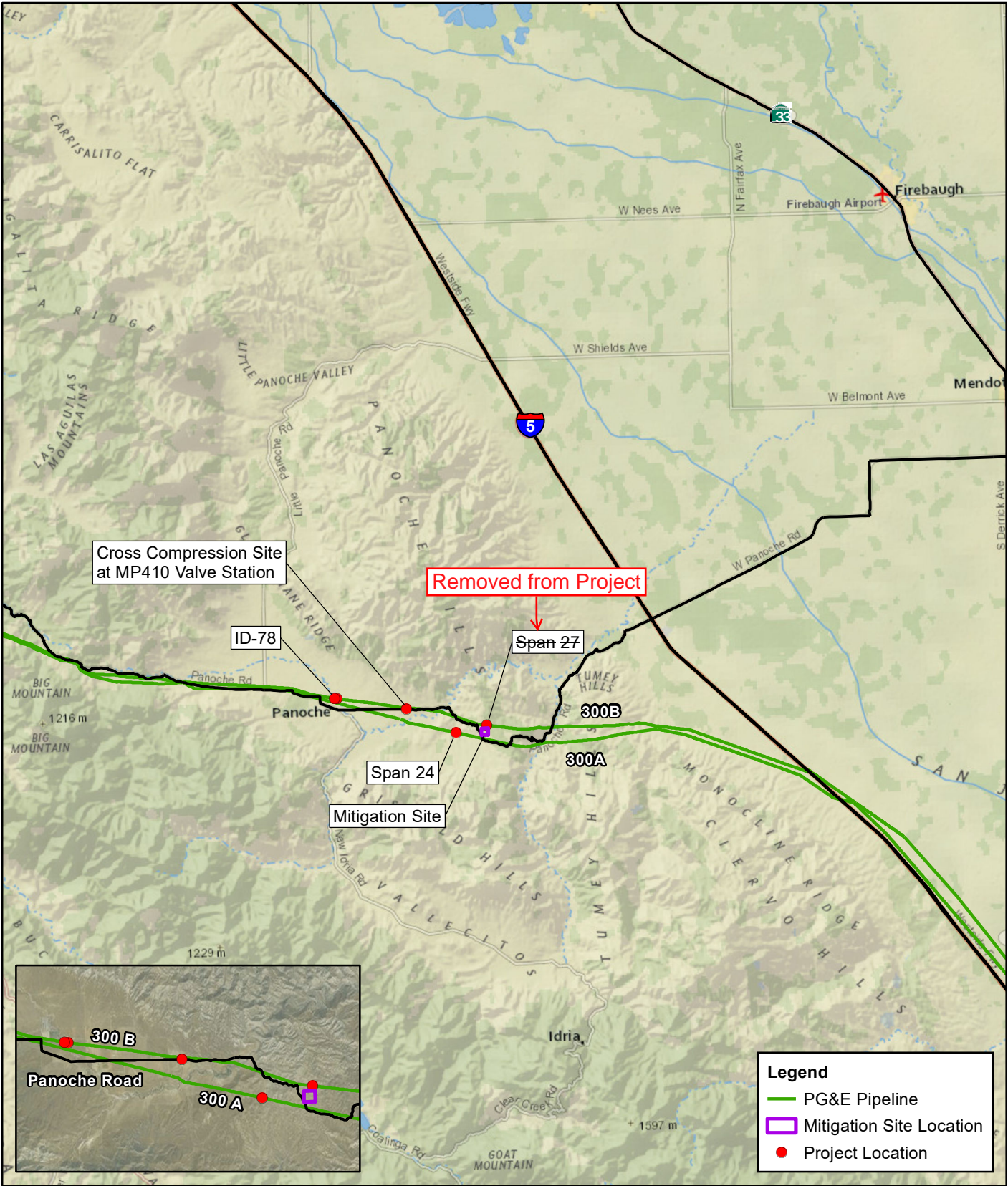
ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 7/2/2025

DocuSigned by:

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Julie A. Vance, Regional Manager
 Central Region

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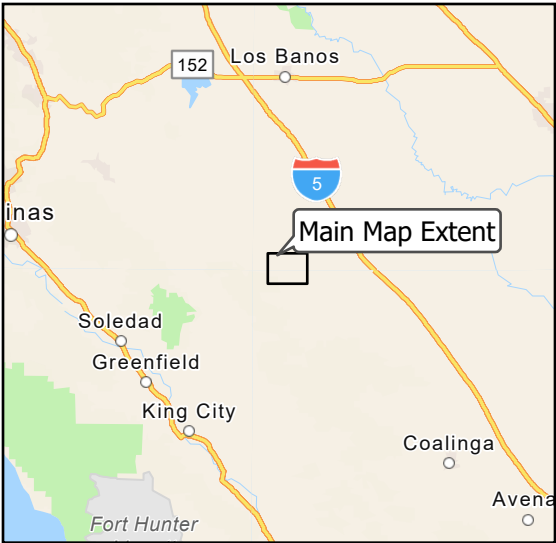
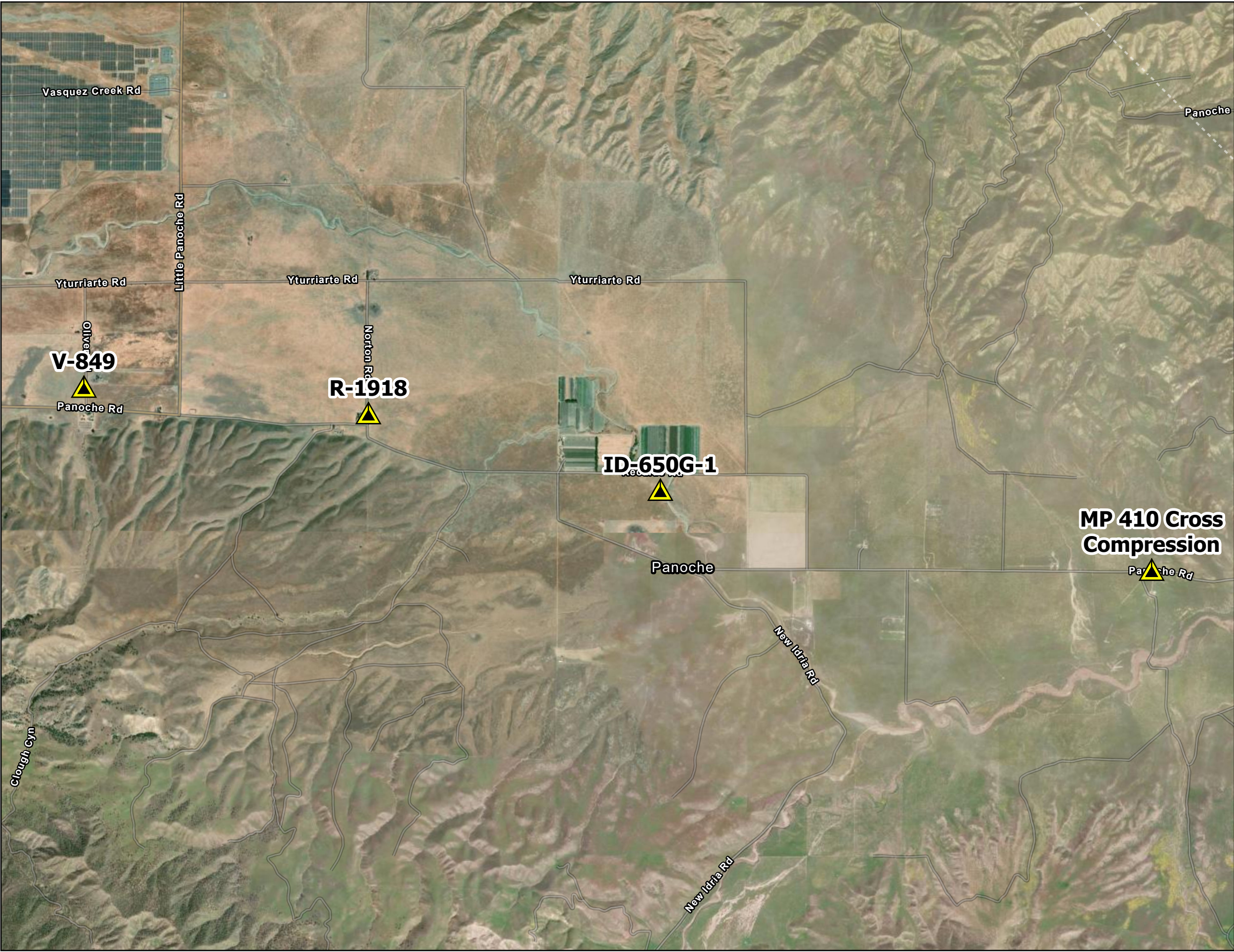
USGS 7.5' Quads: PANOCH (1969), TUMEY HILLS (1971)
Legal Description: T15S, R10 E SEC 25; T15S, R11E SEC 27, 29, 34, 35

0 2.5 5 Miles
0 4 8 Kilometers

Scale 1:316,800
1 Inch = 5 miles

Figure 1a. Project Locations
Major Amendment to ITP
2081-2019-020-04





Legend

 Project Location

California State Parks, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS, USFWS, Fresno County Dept. PWP, California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar

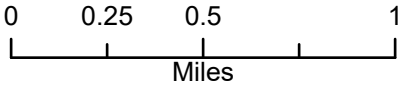
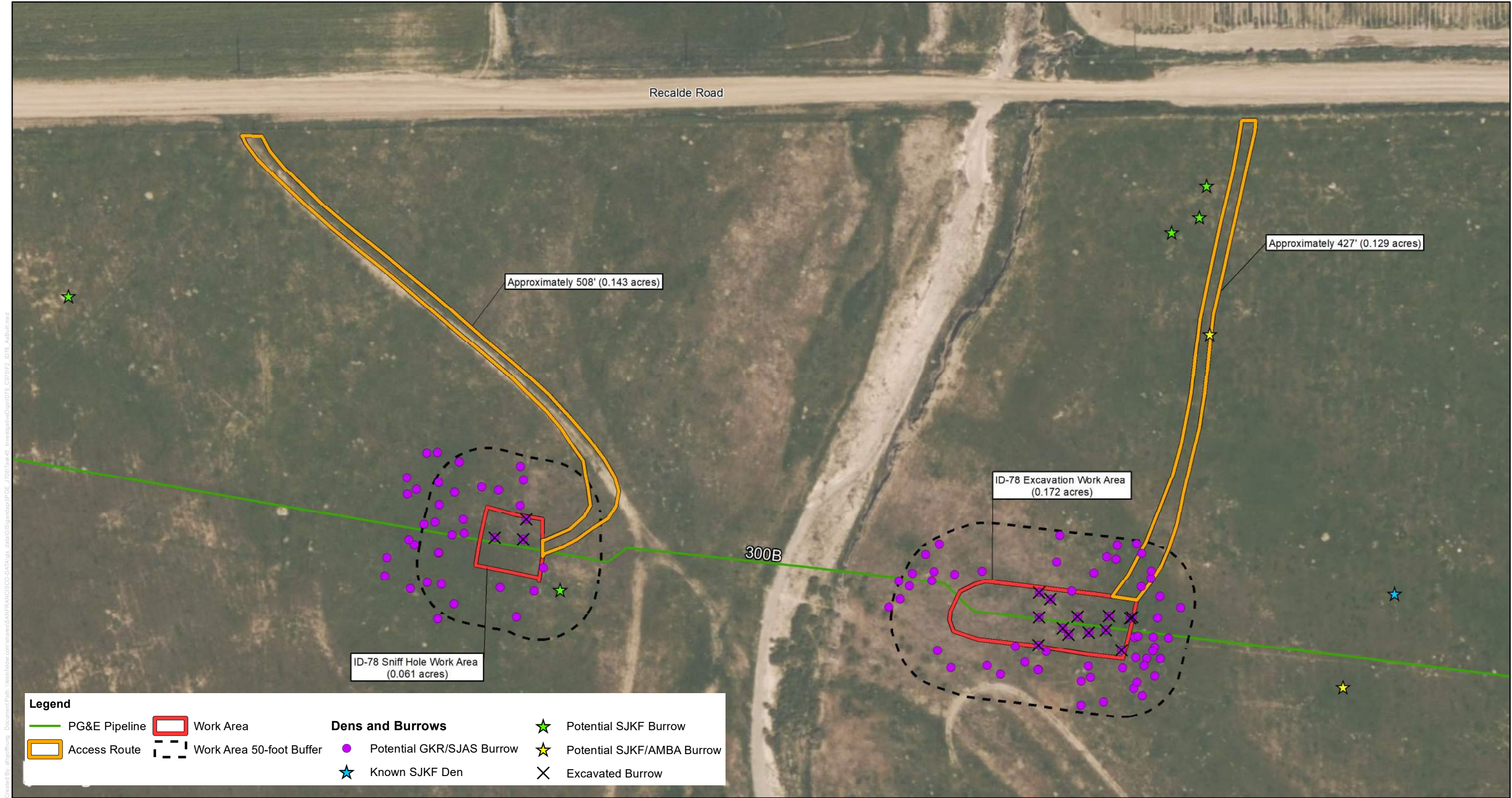


FIGURE 1b
Project Locations (Continued)
Major Amendment to ITP 2081-2019-020-04
Panoche, California



USGS 7.5' Quad: PANOCHE (1969)
Legal Description: T15S, R10E, SEC 25

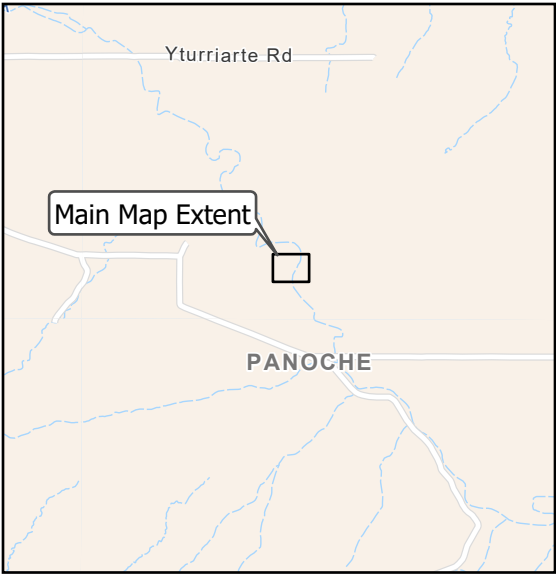


N

Scale 1:960
1 Inch = 80 Feet

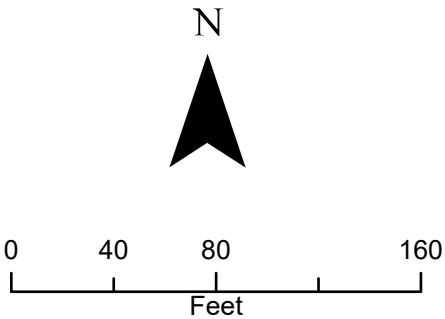
Figure 2a. ID-78 As-built Map
ID-78
Major Amendment to ITP 2081-2019-020-04
San Benito County Pipeline Maintenance Project





Legend

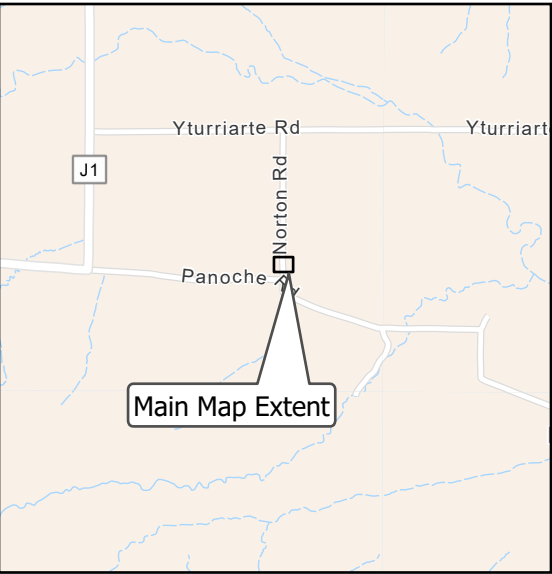
- Contingency Sniff Hole
- Western Access Route (0.17 ac)
Eastern Access Route (0.15 ac)
- Bellhole
- Workspace (0.34 acre)



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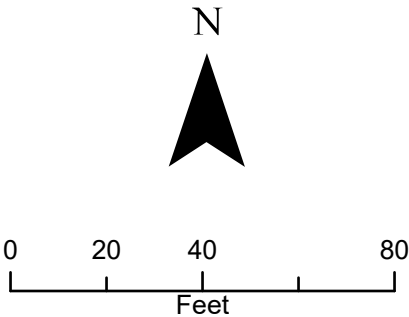
Note: Workspaces are approximate and may change slightly to accommodate field conditions but will not exceed total anticipated acreage.

FIGURE 2b
Project Components of Site ID-650G-1
Major Amendment to ITP 2081-2019-020-04
Panoche, California



Legend

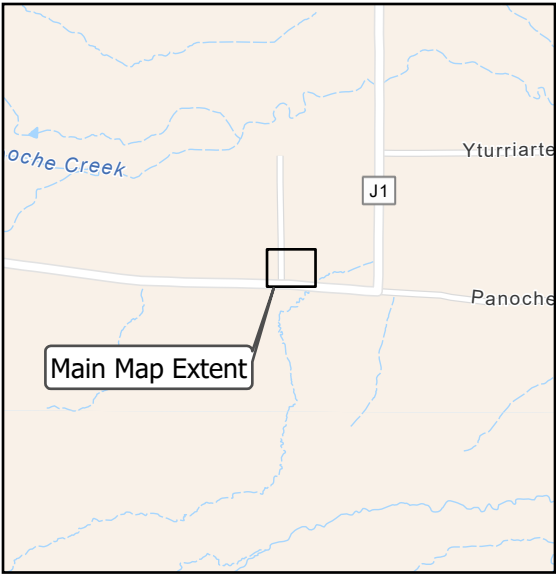
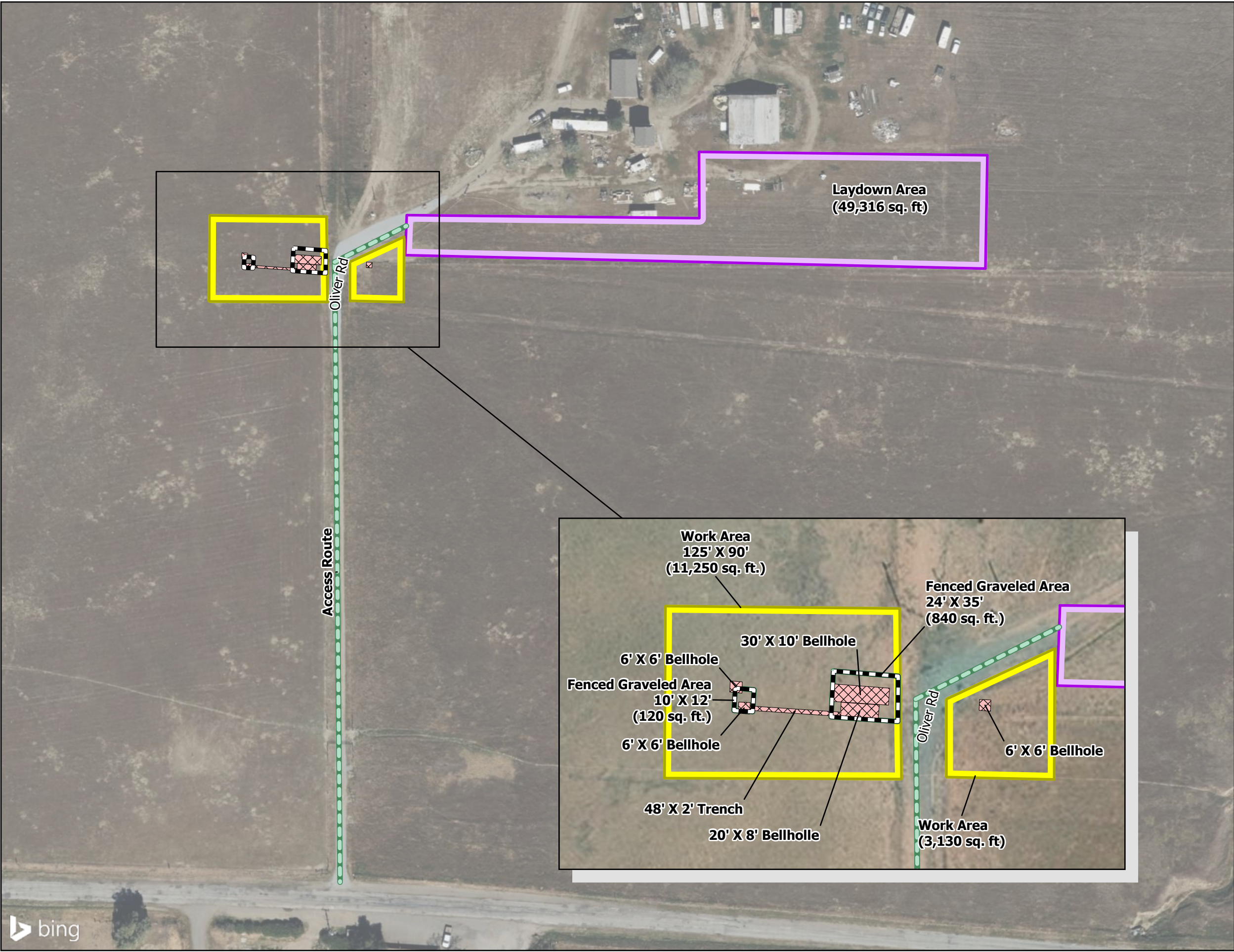
- Workspace (0.25 acre)
- Excavations



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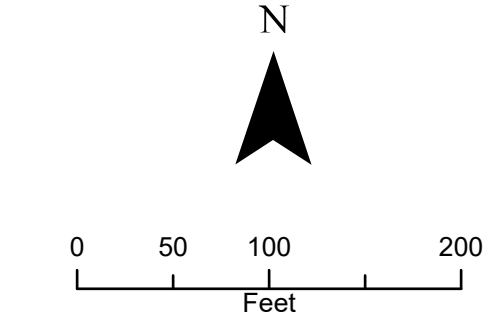
Note: Workspaces are approximate and may change slightly to accommodate field conditions but will not exceed total anticipated acreage.

FIGURE 2c
Project Components of Site R-1918
Major Amendment to ITP 2081-2019-020-04
Panoche, California



Legend

- Established Access Route
- Total Permanent Fenced Graveled Area (0.02 acre)
- Laydown Area (1.13 acres)
- Total Workspaces (0.33 acre)
- Excavations

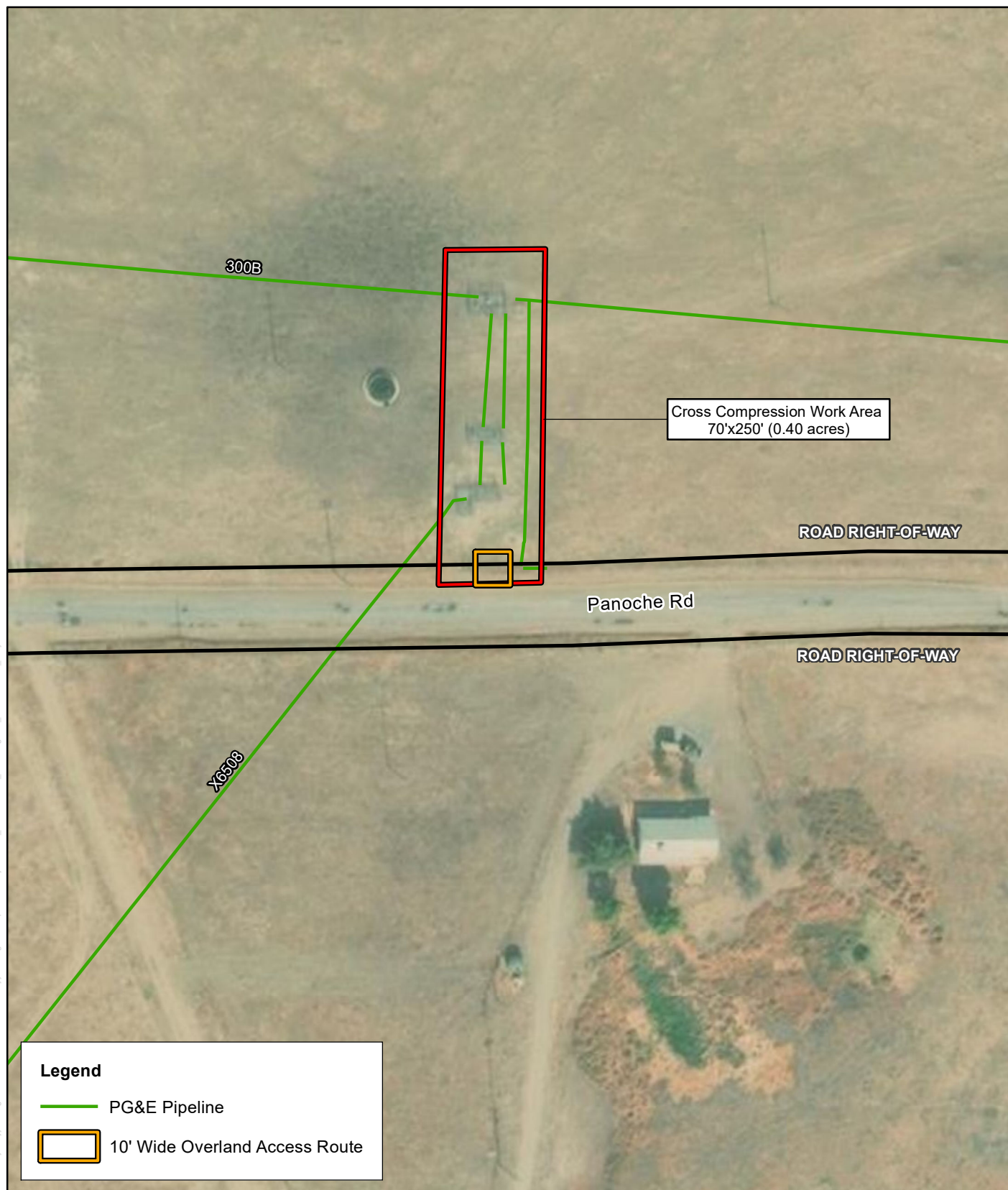


Maxar, Microsoft, Fresno County Dept. PWP, California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, © 2025 Microsoft Corporation © 2025 Maxar ©CNES (2025) Distribution Airbus DS

Note: Workspaces are approximate and may change slightly to accommodate field conditions but will not exceed total anticipated acreage.

FIGURE 2d
Project Components of Site V-849
Major Amendment to ITP 2081-2019-020-04
Panoche, California

Created By: alyjoffung Document Path: C:\Users\alyjoffung\Desktop\Local Projects\from_Gaerren\ID78_C975\Figure3_ITPWorkArea_ProjectFeatures.mxd



USGS 7.5' Quad: PANOCHE (1969)
Legal Description: T15S, R11E SEC 29

0 50 100
Feet

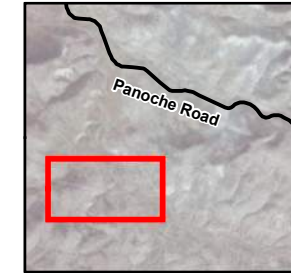
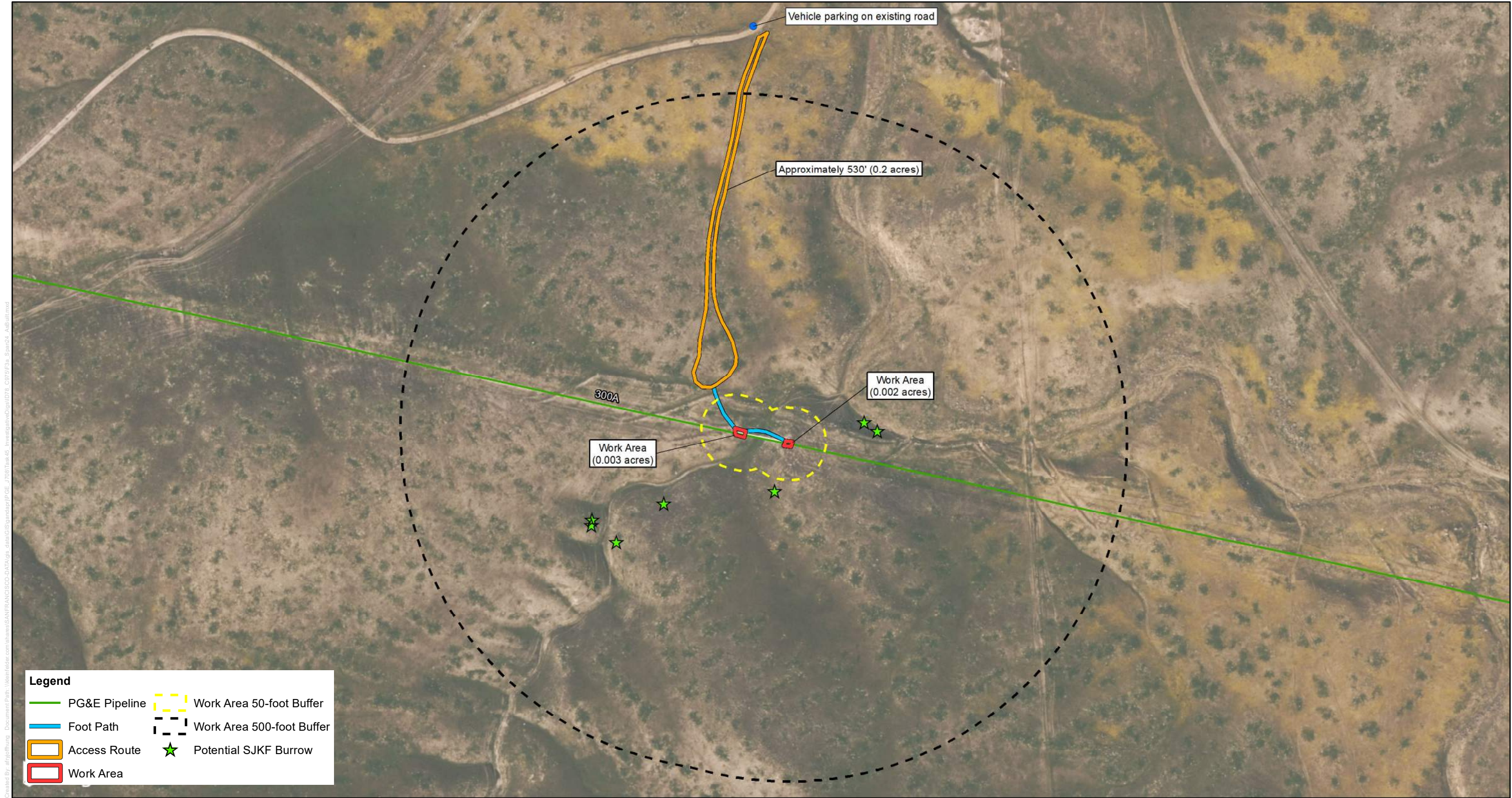
0 15 30
Meters

N

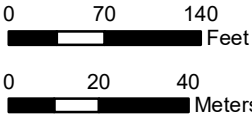
Scale 1:1,200
1 Inch = 100 Feet

Figure 3. ITP Work Area and Project Features
Cross Compression Site at
MP 410 Valve Station
San Benito County Pipeline
Maintenance Project





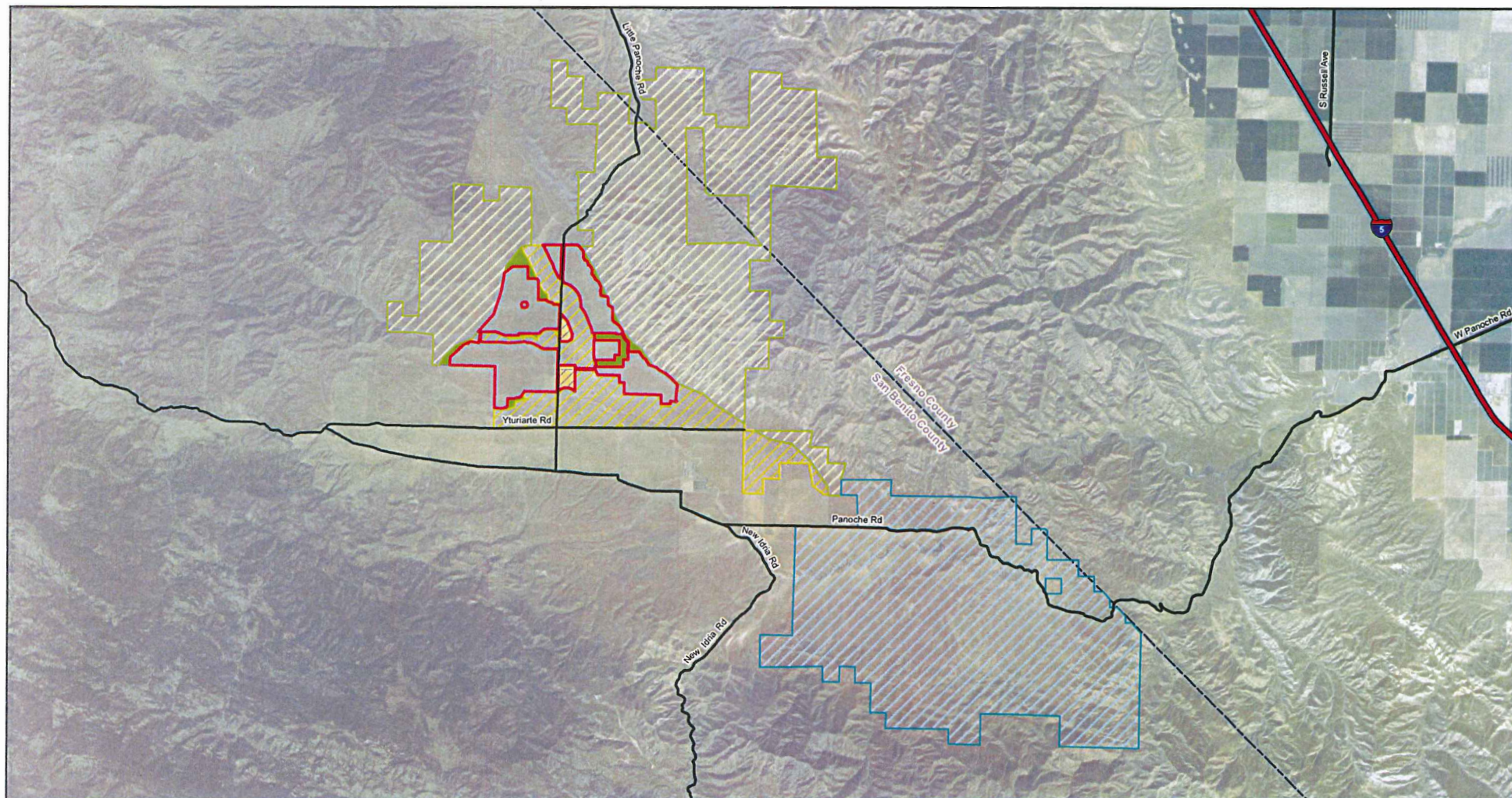
USGS 7.5' Quad: PANOCHE (1969)
Legal Description: T15S, R11E, SEC 34



N
Scale 1:1,680
1 Inch = 140 Feet

Figure 4. Span 24 As-built Map
SJKF Burrows
Major Amendment to ITP 2081-2019-020-04
San Benito County Pipeline Maintenance Project





305 Camp Craft Road, Suite 5/5
West Lake Hills, Texas 78746
512-222-1125
www.energyrenewalpartners.com

Energy Renewal
PARTNERS, LLC

Legend

 Project Footprint
 On-site HM Lands

 Temporary Laydown Yard
 Temporary Laydown Yard
(To be converted to On-site HM Land
after construction)

 Silver Creek Ranch
HM Lands
 Valadeao Ranch
HM Lands
 Valley Floor
HM Lands

Panoche Valley Solar Project

Project Footprint and Habitat Management Lands

Project Location: San Benito County, California

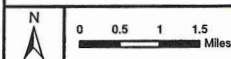


Figure 5

Prepared by: J. Hobbs Date: 2015-11-13

Attachment 1

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

**INCIDENTAL TAKE PERMIT NO. 2081-2019-020-04
(Amendment No. 3)**

PERMITTEE: Pacific Gas and Electric Company

PROJECT: ID-78/ID-650G-1/R-1918/V-849/Span 24, L-300

PURPOSE OF THE MMRP

The purpose of this 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
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 3.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist/Designated Monitor</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of proposed Designated Biologist(s) before starting Covered Activities using the Biologist Resume Form (Attachment 2) or another format containing the same information. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the proposed Designated Biologist(s)' experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat (GKR) and San Joaquin antelope squirrel (SJAS), as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. CDFW may approve Designated Monitor(s) that do not meet the qualifications of a Designated Biologist to assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). If the Permittee chooses to utilize Designated Monitor(s), the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references with contact information of the proposed Designated Monitor(s). Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW.	ITP Condition # 3.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist 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, definition of 'take', recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. 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. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 3.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	<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 at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 3.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<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. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.	ITP Condition # 3.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Project Boundaries</u> . Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area, at which time they should be removed.	ITP Condition # 3.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all signs, stakes, flags, rope, cord, and fencing until the completion of Covered Activities in that area, at which time they should be removed.	ITP Condition # 3.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Permission for Project Access to Silver Creek Ranch</u> . Prior to initiating any vegetation- or ground-disturbing Covered Activities, Permittee shall provide CDFW with proof of permission from the owner (Center for Natural Lands Management, or CNLM) and Conservation Easement grantee to access all Work Areas on the privately owned and permanently conserved Silver Creek Ranch (see Figure 5 for boundaries of Silver Creek Ranch, depicted on this figure as Silver Creek Ranch HM lands). If any Work Areas are within the Silver Creek Ranch, Permittee shall provide CDFW with proof of easement to its pipeline and associated infrastructure right-of-way prior to any ground-disturbing activities on Silver Creek Ranch. All activities, including but not limited to, access and vegetation- or ground-disturbance activities on the Silver Creek Ranch, shall be conducted in accordance with allowable uses as designated in the Conservation Easement for the Ranch. Any take of Covered Species will not be covered by the ITP if it occurs as a result of a prohibited use as defined in the Silver Creek Ranch Conservation Easement. Permanent habitat removal shall not occur on Silver Creek Ranch.	ITP Condition # 3.13	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>Notification of Non-compliance</u> . The Designated Representative shall immediately notify CDFW in writing if they determine that 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 and or Designated Biologist(s) 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 # 4.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> . Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured GKR. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Approved Designated Monitors may capture, handle, and relocate GKR under the direct supervision of the Designated Biologist. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of this ITP. Any proposed changes to the CDFW approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u> . Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured SJAS. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Approved Designated Monitors may capture, handle, and relocate SJAS under the direct supervision of the Designated Biologist. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>San Joaquin Kit Fox Den Replacement Plan</u> . Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the start of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.	ITP Condition # 4.5	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<u>Habitat Restoration</u> . Within three months of issuance of this ITP, Permittee shall submit a Habitat Restoration Plan to CDFW for review and approval to facilitate revegetation of the 3.47 acres of temporary disturbance on site. Permittee shall restore the soil and vegetation to a condition conducive for Covered Species recolonization. Permittee shall ensure restoration is completed in compliance with the Silver Creek Ranch Conservation Easement and Long-term Management Plan and that the Habitat Restoration Plan is successfully implemented by the contractor. At a minimum, the Habitat Restoration Plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration activities; (3) identification of the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet; (4) description of how the native topsoil from the Work Areas and/or seed will be applied over the area to establish suitable vegetation for Covered Species; (5) a California native plant palette and seed sources; (6) a planting plan, including seed application method; (7) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (8) avoidance and minimization measures; (9) monitoring and maintenance measures and a timeline when these will occur; (10) proposed success criteria and contingency measures if the first application is unsuccessful to ensure upland habitat suitability for Covered Species; (11) a funding source to cover the total costs of restoration; and (12) indicate the time of year seeding will occur to ensure adequate growth without supplemental watering or describe the methods of supplemental watering delivery. The Permittee shall begin habitat restoration activities described in the Habitat Restoration Plan, including any required seeding or plantings, within 1 year of completed ground disturbance at any Project location (ID-78, ID-78 Sniff Hole, Cross Compression, Span 24, ID-650G-1, ID-650G-1 Sniff Hole, R-1918, and V-849).	ITP Condition # 5.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
15	<u>Delineation of Ingress and Egress Routes</u> . Permittee shall flag or otherwise clearly mark all access roads in the field from the primary access roads and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval <u>GKR Burrow Excavation</u> , <u>SJAS Burrow Excavation</u> , and <u>SJKF Den Excavation</u> .	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
17	<u>Delineation of Environmentally Sensitive Areas</u> . Permittee shall clearly delineate Environmentally Sensitive Areas in the Project Area prior to the start of ground-disturbing activities. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval <u>GKR Burrow Avoidance</u> , <u>SJAS Burrow Avoidance</u> , and <u>SJKF Den Avoidance</u> . Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval <u>GKR Relocation</u> , <u>GKR Burrow Excavation</u> , <u>SJAS Relocation</u> , <u>SJAS Burrow Excavation</u> , <u>SJKF Den Replacement</u> , and <u>SJKF Den Excavation</u> .	ITP Condition # 5.12	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>Vegetation Removal</u> . Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of the Designated Biologist(s) using hand tools within the Project Area to encourage Covered Species to move out of the area.	ITP Condition # 5.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
19	<u>Pre-Construction Surveys and Reporting</u> . The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species (SJKF, GKR, and SJAS) no more than 30 days prior to Covered Activities.	ITP Condition # 5.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
20	<u>GKR Surveys</u> . The Designated Biologist(s) shall survey the Work Area and a 50-foot buffer to identify, flag, and map all potential GKR burrows, whether they appear active or inactive, no more than 30 days prior to initiating any Covered Activities. Permittee shall provide the results in a GKR Burrow Map Survey written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will commence as described in Condition of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> .	ITP Condition # 5.15.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
21	<u>SJAS Surveys</u> . The Designated Biologist(s) shall survey the Work Area and 50 feet beyond the limits of the Work Area to identify all potential burrows used by SJAS. The survey shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u> .	ITP Condition # 5.15.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<u>SJKF Surveys</u> . The Designated Biologist(s) shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and wildlife camera to determine the current use of the den(s). Permittee shall provide the pre-construction survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date, and time of the survey, the number of potential SJKF dens, and a discussion and map of the locations of each potential, known, and natal SJKF den.	ITP Condition # 5.15.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
23	<u>Temporary Exclusion Fencing</u> . Permittee shall install Temporary Exclusion Fencing around the perimeter of the Work Areas immediately following pre-construction surveys in accordance with Condition of Approval <u>Pre-Construction Surveys and Reporting</u> . Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist(s) using hand tools within the Work Area.	ITP Condition # 5.16	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>Temporary Exclusion Fencing Installation</u> . In Work Areas where exclusion fencing will be installed, the Designated Biologist(s) shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows and dens cannot be avoided in accordance with the appropriate buffer distances described in Conditions of Approval <u>GKR Burrow Avoidance</u> , <u>SJAS Burrow Avoidance</u> , and <u>SJKF Den Avoidance</u> as applicable, they shall be excavated as described in Conditions of Approval <u>GKR Burrow Excavation</u> , <u>SJAS Burrow Excavation</u> , and <u>SJKF Den Excavation</u> below prior to commencing fence installation if fence will be trenched. If installing trenchless fence, the Designated Biologist(s) shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist(s) shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.	ITP Condition # 5.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
25	<u>GKR Burrow Avoidance</u> . The Designated Biologist(s) shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within and adjacent to the Work Area, identified in the GKR Burrow Map Survey report required by Condition of Approval <u>GKR Surveys</u> . If the 50-foot no disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Condition of Approval <u>GKR Relocation</u> and <u>GKR Burrow Excavation</u> below.	ITP Condition # 5.18	Before commencing ground- or vegetation-disturbing activities	Permittee	
26	<u>GKR Relocation</u> . Any potential GKR burrows detected by the Designated Biologist(s) within the Work Area that cannot be avoided per Condition of Approval <u>GKR Burrow Avoidance</u> shall be live trapped by the Designated Biologist(s) immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist(s) shall relocate any captured GKR to the CDFW approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u>). The Designated Biologist(s) shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials within the release cages or artificial burrows.	ITP Condition # 5.19	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
27	<u>GKR January 1-August 31 Trapping Constraints</u> . To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise. The Designated Biologist(s) shall release any captured pregnant or lactating/nursing female or dependent juvenile GKR immediately at the trap location.	ITP Condition # 5.20	Before commencing ground- or vegetation-disturbing activities	Permittee	
28	<u>GKR Weather Constraints for Trapping</u> . During the threat of inclement weather, such as the National Weather Service <u>prediction</u> of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist(s) shall close all traps for GKR. Additionally, the Designated Biologist(s) shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist(s) shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist(s) shall replace this material with new material after each time a capture occurs in a given trap.	ITP Condition # 5.21	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	<u>GKR Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval <u>GKR Relocation</u> and prior to commencing Covered Activities within the Work Area the Designated Biologist(s), or an individual under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist(s) shall relocate any GKR encountered during burrow excavation to the CDFW approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u>). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed within the release cages or artificial burrows.	ITP Condition # 5.22	Before commencing ground- or vegetation-disturbing activities	Permittee	
30	<u>GKR Pregnant or Lactating Females and Dependent Juveniles</u> . Permittee shall minimize disturbance to pregnant or lactating female or dependent juvenile GKR trapped and released according to Condition of Approval <u>GKR January 1-August 31 Trapping Constraints</u> above during burrow excavation. Permittee shall not excavate precincts known to contain a pregnant or lactating female and/or dependent juvenile GKR. Permittee shall maintain a 250 foot buffer between precincts containing pregnant or lactating females and/or dependent juvenile GKR and all Covered Activities until lactation has ceased. The Designated Biologist(s) may monitor activity at the precinct with a remote camera. Because the occupied precinct will be enclosed with fencing that could potentially inhibit or preclude foraging, the Designated Biologist(s) shall place a sufficient amount of seed to sustain a nursing female with dependents at the precinct opening. If the Designated Biologist(s) can determine with certainty which precinct the pregnant and/or lactating female with dependents is occupying, adjacent precincts may be excavated only if impacts to the precinct occupied by the pregnant and/or lactating female with dependents are completely avoided.	ITP Condition # 5.23	Before commencing ground- or vegetation-disturbing activities	Permittee	
31	<u>Protection of GKR Food Stores</u> . Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> , Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.	ITP Condition # 5.24	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
32	<u>SJAS Burrow Avoidance</u> . The Designated Biologist(s) shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas, identified in the survey report required by Condition of Approval <u>SJAS Surveys</u> . If the 50-foot no disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval <u>SJAS Burrow Excavation</u> below.	ITP Condition # 5.25	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<p><u>SJAS Relocation.</u> The Designated Biologist(s) shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within each Work Area that cannot be avoided per Condition of Approval <u>SJAS Burrow Avoidance</u> prior to commencing Covered Activities. The Designated Biologist(s) shall relocate any captured SJAS to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u>). SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). Approval to conduct relocation outside of this time period will require the seven-day forecast predicted by the National Weather Service that can be independently verified by both CDFW and the Permittee to have daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site. Traps shall only be open during the time of day when <u>on-site temperatures</u> are within the 68 to 86 degrees Fahrenheit criteria and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping.</p>	ITP Condition # 5.26	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
34	<p><u>SJAS Burrow Excavation.</u> Immediately following live trapping activities conducted to address Condition of Approval <u>SJAS Relocation</u> and prior to commencing Covered Activities, the Designated Biologist(s), or an individual under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall commence during the same weather conditions as discussed in Condition of Approval <u>SJAS Relocation</u> above. The Designated Biologist(s) shall relocate any SJAS encountered during burrow excavation to the CDFW approved release site(s) identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist(s) (Condition of Approval <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u>). Any dormant SJAS encountered shall be collected by the Designated Biologist(s) and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be initiated immediately after the conclusion of live trapping and shall continue until completed even if on-site daytime high temperatures are below 68 degrees Fahrenheit or above 86 degrees Fahrenheit.</p>	ITP Condition # 5.27	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<u>SJKF Den Avoidance</u> . Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist(s) shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist(s) shall remove the object immediately after Covered Activities are completed in the Project Area when the Designated Biologist(s) has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area.	ITP Condition # 5.28	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
36	<u>SJKF Den Replacement</u> . Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval <u>SJKF Den Avoidance</u> , with an artificial den. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100 meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Installation of artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval <u>SJKF Den Excavation</u>) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval <u>San Joaquin Kit Fox Den Replacement Plan</u> .	ITP Condition # 5.29	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<p><u>SJKF Den Excavation</u>. The Designated Biologist(s) or individuals under direct supervision of the Designated Biologist(s) shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval <u>SJKF Den Avoidance</u> only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and wildlife camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den no disturbance buffer may be removed once the SJKF is no longer using the area.</p>	ITP Condition # 5.30	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<p><u>Habitat Management Land Acquisition and Restoration</u>: 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 with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall either purchase 5 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval <u>Covered Species Credits</u>) OR shall provide for both the permanent protection and management of 5 acres of Habitat Management (HM) lands pursuant to Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> below, and the calculation and deposit of the management funds pursuant to Condition of Approval <u>Endowment Fund</u> below, on a portion of a 40-acre parcel (hereafter "mitigation parcel") owned in fee by the Permittee in the Panoche Valley, San Benito County (Assessor's Parcel Number 027-360-008). The mitigation parcel consists of 40 acres of good quality, functionally suitable habitat for the Covered Species and is surrounded by the permanently conserved 10,890-acre Silver Creek Ranch, set aside as HM Lands by ITP No. 2081-2014-035-04 (Panoche Valley Solar Project). Permittee previously proposed and was approved to conserve 8 acres of the 40-acre mitigation parcel to meet HM Lands requirements of ITP No. 2081-2011-071-04 (2011 Hydrotest Project) and 0.6 acres to meet HM Lands requirements of ITP No. 2081-2017-005-04 (ID-71 Project). Combined, these lands will be preserved and managed under one conservation easement. In addition to serving as Project-level mitigation for this ITP and the two mentioned above, the remaining 26.4 acres of the 40-acre parcel is intended to meet future mitigation obligations related to Permittee's future gas transmission projects in the Panoche Valley.</p> <p>CDFW has conceptually approved to the appropriateness of 5 acres of HM lands within the 40-acre mitigation parcel as suitable to meet the HM Lands requirement of this ITP. Prior to final approval of the HM lands, CDFW shall review the information submitted as described in Condition of Approval <u>HM Lands Documentation</u>. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or by July 1, 2031, if Security is provided pursuant to Condition of Approval <u>Security</u> below for all uncompleted obligations.</p>	ITP Condition # 6	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<p><u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:</p> <ol style="list-style-type: none"> 1. Land acquisition costs for HM lands identified in Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> below, estimated at \$8,047.50/acre for 5 acres: \$40,237.50. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees; 2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval <u>Start-up Activities</u> below, estimated at \$22,153.89; 3. Interim management period funding as described in Condition of Approval <u>Interim Management (Initial and Capital)</u> below, estimated at \$77,540.21; 4. Long-term management funding as described in Condition of Approval <u>Endowment Fund</u> below, estimated at \$100,761.36/acre for 5 acres: \$503,806.80. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; 5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval <u>Reimburse CDFW</u>, estimated at \$15,000; 	ITP Condition #6.1	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031 if Security is provided)	Permittee	
40	<p><u>Covered Species Credits.</u> If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 5 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or by July 1, 2031, if Security is provided pursuant to 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 by July 1, 2031, if Security is provided.</p> <p>OR:</p>	ITP Condition #6.2	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
41	<p><u>Fee Title.</u> Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.</p>	ITP Condition #6.3.1	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Conservation Easement</u> . If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.	ITP Condition #6.3.2	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
42	<u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;	ITP Condition #6.3.3	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
43	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;	ITP Condition #6.3.4	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
44	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.	ITP Condition #6.3.5	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
45	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;	ITP Condition #6.3.6	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	<p><u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, and biological surveys. Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	ITP Condition #6.3.7	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
47	<p><u>Endowment Fund</u>. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval <u>Start-up Activities</u>. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition #6.4	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	<u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).;	ITP Condition #6.4.1	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
49	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Condition #6.4.2	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
50	<u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.	ITP Condition #6.4.2.1	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
51	<u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ol style="list-style-type: none"> 1. <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. 2. <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. 3. <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Condition #6.4.2.2	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
52	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.	ITP Condition #6.4.3	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	ITP Condition #6.4.4	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
54	<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Condition #6.5	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	<p><u>Security</u>: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval <u>Habitat Management Land Acquisition and Restoration</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> 1. <u>Security Amount</u>. The Security shall be in the amount of \$658,738.40. This amount is based on the cost estimates identified in Condition of Approval <u>Cost Estimates</u> above. 2. <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. 3. <u>Security Timeline</u>. The Security shall be provided in draft form to CDFW's Regional Representative for review and approval prior to execution. Permittee shall execute the CDFW-approved Security before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first. 4. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. 5. <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. 6. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP. 7. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> • Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and • Timely submission of all required reports. <p>OR:</p> <ul style="list-style-type: none"> • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and • Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than July 1, 2031. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p> 	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities (or by July 1, 2031, if Security is provided)	Permittee	
DURING CONSTRUCTION					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
56	<u>Compliance Monitoring</u> . The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(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. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections daily during construction.	ITP Condition # 4.6	Entire Project	Permittee	
57	<u>Monthly Compliance Report</u> . The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Conditions of Approval <u>Compliance Monitoring</u> and <u>Record of Covered Species Relocation Efforts</u> into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within each Work Area, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in each Work Area during the coming month, if applicable; a summary of all pre activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 5th day of the month it is due commencing with August 5, 2021. At the time of this ITP's approval, the CDFW Regional Representative is Stephanie Manzo (Stephanie.Manzo@wildlife.ca.gov), the CDFW Regional Office email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time adjust 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 shall be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 4.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
58	<u>Annual Status Report</u> . Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval <u>Monthly Compliance Report</u> ; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species, burrow, and/or den was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; (10) the number of acres of permanent habitat disturbance anticipated to occur in the Project Area during the coming year, if applicable; (11) the proposed Covered Activities to be undertaken in the coming year; (12) Geographic Information Systems (GIS) data files depicting the current extent of permanent and temporary disturbance associated with the Project; and (13) information about other Project impacts on the Covered Species. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval <u>Monthly Compliance Report</u> above.	ITP Condition # 4.9	Entire Project	Permittee	
59	<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 and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 4.10	Entire Project	Permittee	
60	<u>Notification of Take or Injury</u> . Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by contacting the Regional Office at R4CESA@wildlife.ca.gov and emailing the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 4.12	Entire Project	Permittee	
61	<u>Construction Monitoring Documentation</u> . The Designated Biologist(s) and Designated Monitor(s) shall maintain construction monitoring documentation on-site 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 notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 3.5	Entire Project	Permittee	
62	<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 (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 3.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
63	<u>Dogs</u> . Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 3.9	Entire Project	Permittee	
64	<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 worker education program described in Condition of Approval <u>Education Program</u> .	ITP Condition # 3.10	Entire Project	Permittee	
65	<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes, routes identified in the Project Description, or routes where Permittee has permission to access and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour during daylight hours (sunrise to sunset) and 10 miles per hour during nighttime hours 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 the ITP, among other reasons, if additional take of Covered Species or Covered Species habitat impacts will occur as a result of the Project modification.	ITP Condition # 3.14	Entire Project	Permittee	
66	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval <u>Delineation of Project Boundaries</u> of the ITP.	ITP Condition # 3.15	Entire Project	Permittee	
67	<u>Hazardous Waste</u> . Permittee shall properly maintain all machinery to prevent spills and leaks. Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 3.16	Entire Project	Permittee	
68	<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 the ITP.	ITP Condition # 3.17	Entire Project	Permittee	
69	<u>Record of Covered Species Relocation Efforts</u> . The Designated Biologist(s) shall maintain a record of all GKR and SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist(s) shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval <u>Monthly Compliance Report</u> below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval <u>Final Mitigation Report</u> below shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 4.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
70	<u>Designated Biologist On Site</u> . The Designated Biologist(s) shall be on site for the duration of the day during all activities that may result in the take of Covered Species.	ITP Condition # 5.1	Entire Project	Permittee	
71	<u>Work Hours</u> . Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.	ITP Condition # 5.2	Entire Project	Permittee	
72	<u>Vehicle and Equipment Inspection</u> . Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist(s) shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> and <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u> above.	ITP Condition # 5.5	Entire Project	Permittee	
73	<u>Stockpiling Materials</u> . Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 5.6	Entire Project	Permittee	
74	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil will not pass into Panoche Creek or any other "Waters of the State", in accordance with Fish and Game Code Section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 5.7	Entire Project	Permittee	
75	<u>Materials Inspection</u> . Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist(s) shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> and <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u> above.	ITP Condition # 5.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
76	<u>Excavation Inspection</u> . The Designated Biologist(s) and/or Designated Monitor(s) shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist(s) and/or Designated Monitor(s) shall thoroughly inspect them for Covered Species. 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 the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> and <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u> above.	ITP Condition # 5.9	Entire Project	Permittee	
77	<u>Pipes and other Structures Entrapment Prevention</u> . Permittee shall ensure that all pipes, hoses, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, hoses, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist(s) and/or Designated Monitor(s) shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 5.10	Entire Project	Permittee	
78	<u>Covered Species Observations</u> . All workers shall inform the Designated Biologist(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or a GKR or SJAS is moved by the Designated Biologist(s) as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval <u>Giant Kangaroo Rat Mortality Reduction and Relocation Plan</u> and <u>San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan</u> above.	ITP Condition # 5.11	Entire Project	Permittee	
79	<u>Covered Species Injury</u> . If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility within seven (7) days of issuance of this ITP. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval <u>Notification of Take or Injury</u> . Notifications shall include the name of the facility where the animal was taken.	ITP Condition # 5.31	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
80	<u>Dewatering</u> . If dewatering of excavations is necessary, groundwater shall be discharged in a manner that avoids impacts to Covered Species and their burrows, precincts, or dens, as applicable. Groundwater discharge activities shall occur outside of Environmentally Sensitive Areas and work exclusion zones, as specified in Conditions of Approval <u>Delineation of Environmentally Sensitive Areas</u> , <u>GKR Burrow Avoidance</u> , <u>SJAS Burrow Avoidance</u> , and <u>SJKE Den Avoidance</u> . If groundwater is discharged in the vicinity of Panoche Creek, water pumped from the Work Site shall be discharged to a location outside the wetted channel to allow sediment to drop out.	ITP Condition # 5.32	Entire Project	Permittee	
81	<u>Designated Biologist/Designated Monitor Authority</u> . To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to 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/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated 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.	ITP Condition # 3.3	Entire Project	CDFW	
POST-CONSTRUCTION					
82	<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.	ITP Condition # 3.18	Post-construction	Permittee	
83	<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 Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in this 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 the 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 # 4.11	Post-construction and after completion of mitigation	Permittee	

Biologist/Botanist Resume Submittal Cover Sheet**Project Name:** _____**ITP Number:** _____****Please submit each resume as a separate file. Use of this cover sheet will expedite CDFW review.******Please provide the names of up to ten individuals in the order you would like CDFW to review for approval.****Number of resumes included in Transmittal:** _____

	Name	Requested Role ¹	Covered Species	COA #(s) to implement (Monitor only) ²
1		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
2		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
3		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
4		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
5		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
6		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
7		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
8		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
9		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
10		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		

Reviewed and submitted by: _____ **Date:** _____
 Permittee or Designated Representative

¹ Requested roles correspond to the biological staffing requirements indicated in the Incidental Take Permit (ITP). Roles may include a "Designated Biologist" with the necessary experience to survey for special-status species or a "Designated Monitor" with the necessary experience to monitor construction activities for special-status species. More than one role may be requested for an individual.

² Please contact the Regional Representative specified in the ITP with any questions about the Condition of Approval numbers for Designated Monitors.

***** 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. By submitting your resume for review and approval, you are acknowledging that you have received a copy of the ITP, have read it, and understand the role of a Designated Biologist (DB) and Designated Monitor (DM) and the responsibilities of a DB or DM required by the ITP. *****

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: Giant Kangaroo Rat)

Project Name #1: (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

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

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 Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #2:

Location:

Project date completed: To and from date

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

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 Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #3: ...

Species Name #2: (Example: San Joaquin Antelope Squirrel)

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):

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: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2:

Location:

Project date completed: To and from date

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

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: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3: ...

Species Name #3: (Example: San Joaquin Kit Fox)

Project Name #1: (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

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

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 Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles (if applicable)

Dens observed (list all potential, known, and/or natal):

Dens excavated (list all potential, known, and/or natal):

Project Name #2:

Location:

Project date completed: To and from date

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

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 Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles (if applicable)

Dens observed (list all potential, known, and/or natal):

Dens excavated (list all potential, known, and/or natal):

Project Name #3: ...

Species Name #4: (Example: Other Similar Species only. Examples - other kangaroo rat species/ground squirrel species/kit fox species)

Project Name #1: (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

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

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 Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #2:

Location:

Project date completed: To and from date

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

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 Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #3: ...

Include any other relevant information to the Covered Species, implementation of Conditions of Approval in the ITP, or general construction monitoring

Attachment 3

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the 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 in the above-referenced standby letter of credit ("Credit"), hereby certifies to the Issuer that:

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

Attachment 4

Amended Incidental Take Permit No. 2081-2019-020-04
(Amendment No. 32)

~~Investigative Dig ID-78/Spans ID-650G-1/R-1918/V-849/~~Span 24 ~~and 27~~, L-300

1. The Authority section has been amended as follows:

Authority:

[...] 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 if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	Pacific Gas and Electric Company
Principal Officer:	Matt Putnam, Director of Environmental Management Gas and Electric Projects <u>Craig Geldard, Sr. Manager</u>
Contact Person:	Amy Galvan, <u>Sr.</u> Land Planner
Mailing Address:	1455 East Shaw Avenue <u>300 Lakeside Drive</u> Fresno <u>Oakland</u> , California 93710 <u>94612-3534</u>

2. The Amended ITP Background section has been inserted preceding the Effective Date and Expiration Date section as follows:

Amended ITP³ Background

On August 27, 2021, CDFW issued the original ITP No. 2081-2019-020-04 (ITP) to the Permittee, authorizing take of giant kangaroo rat (*Dipodomys ingens*, GKR), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*, SJAS), and San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF) (collectively, Covered Species) associated with and incidental to the Investigative Dig 78/Spans 24 And 27, L-300 (Project) in San Benito County, California. The Project as described in the original ITP includes maintenance and repair activities associated with an investigative dig and associated sniff holes on Gas Line 300B where a potential internal anomaly was identified, recoating at pipeline spans where corrosion of exposed pipeline occurred in two locations on both Gas Line 300A and Gas Line 300B, and cross compression.

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

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

³When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" unless the context dictates otherwise.

On October 26, 2021, CDFW issued Minor Amendment No. 1 to clarify the intent of Condition of Approval SJAS Burrow Excavation. Specifically, Minor Amendment No. 1 revised Condition of Approval SJAS Burrow Excavation to clarify that once burrow excavation begins during specific weather conditions, it should continue until it is completed within that Work Area, even if it is no longer occurring during the stated weather conditions. CDFW initiated Minor Amendment No. 1 to minimize potential impacts to SJAS that may result from partially excavated burrows and burrows complexes if excavation is paused for appropriate weather conditions to resume.

On July 11, 2023, CDFW issued Minor Amendment No. 2 which included extending the expiration date of the ITP from July 1, 2023, to July 1, 2026, and an extension of the deadline in which to complete Condition of Approval Habitat Management Land Acquisition and Restoration from within 18 months of the effective date of the ITP to before July 1, 2026, to match the expiration date of the ITP.

In issuing the original ITP, Minor Amendment No. 1, and Minor Amendment No. 2, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval will fully mitigate impacts to the Covered Species and will not jeopardize the continued existence of the Covered Species.

On December 20, 2024, CDFW received an application and corresponding fee payment from the Permittee requesting a major amendment to the ITP. The request includes modifying the Project Location and Project Description sections of the ITP to add the following three new activities for the natural gas pipeline, Line 300B: 1) one investigative dig (ID-650G-1); 2) one pipeline replacement (R-1918); and 3) one installation of a main line valve station and blowdown stack (V-849). Cross compression will be required during the activities to temporarily transfer gas from Line 300B to Line 300A and will occur at the Mile Point (MP) 410.87 valve lot. All three of the aforementioned activities will be conducted during a single cross compression clearance of Line 300B to minimize impacts. The request also includes extending the expiration date of the ITP from July 1, 2026, to July 1, 2031, to allow for completion of all activities and restoration of the sites. The new activities cumulatively add 2.35 acres of new temporary impacts and 0.02 acres of new permanent impacts. Prior to submission of the ITP amendment application, Covered Activities were completed at the ID-78 and Span 24 portions of the Project, and Covered Activities associated with the cross compression and Span 27 portions of the Project were cancelled. As such, the actual impacts to date total 0.71 acres of the proposed 1.41 acres. Cross compression will remain as part of the Project in association with the three new activities and Span 27 will be removed from the Project.

CDFW finds that this Amendment (Major Amendment No. 3) is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of Major Amendment No. 3 will increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing Conditions of Approval that require plans to reduce mortality and relocate Covered Species, restore temporary impacts, monitoring by a Designated Biologist, and permanent protection of Habitat Management Lands, it is not expected that Major Amendment No. 3 will increase Project impacts on these Covered Species (i.e., "impacts of taking" as used in Fish and

Game Code Section 2081, subd. (b)(2)). Issuance of Major Amendment No. 3 does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in Minor Amendment No. 1, Minor Amendment No. 2, and Major Amendment No. 3 (collectively, the Amended ITP). The Amended ITP includes all the operative provisions as of the effective date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the ITP as a result of Major Amendment No. 3.

3. The Effective Date and Expiration Date section has been amended as follows:

Effective Date and Expiration Date of this ITP:

~~This ITP shall be executed in duplicate. The original form and shall become ITP's effective once a duplicate date was August 30, 2021. This remains the effective date for the original take authorization. This Amended ITP is acknowledged by signature effective as of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. date signed by CDFW below.~~ Unless renewed by CDFW, this ~~ITP's~~ Amended ITP and its authorization to take the Covered Species shall expire on **July 1, 2026**2031.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by ~~Condition of Approval 4.12 of~~ this ITP.

4. The Project Location section has been amended as follows:

Project Location:

The ~~Investigative Dig (ID)-78/Spans~~ID-650G-1/R-1918/V-849/~~Span~~ 24 and 27, L-300 Project (Project) is located within portions of the Panoche Valley and Tumey Hills in San Benito County (~~Figure 1~~Figures 1a and 1b). There are ~~five~~eight Work Areas (defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur) for the Project, which are located within the Tumey Hills United States Geological Survey (USGS) 7.5-minute topographic quadrangle and/or the Panoche USGS 7.5-minute topographic quadrangle. Table 1 below provides the latitude, longitude, approximate elevation, and relative size of each Work Area.

Table 1: San Benito County L-300A and L-300B Project Work Areas

Project Location	Latitude	Longitude	Size of Work Area (in acres)	Size of Overland Access Route (in acres)	Size of Total Project Area (in acres)
ID-78	36° 36' 03.85" N	120° 49' 48.21" W	0.177172	0.095129	0.272301
ID-78 Sniff Hole	36° 36' 05.03" N	120° 49' 49.13" W	0.057061	0.148143	0.205204
Cross Compression	36° 35' 46.24" N	120° 47' 03.32" W	0.402	--	0.402
Span 24	36° 34' 55.23" N	120° 45' 10.06" W	0.093005	0.147200	0.450205
Span 27-ID-650G-1	36° 35' 08.0536' 04.97" N	120° 43' 58.0449' 51.45" W	0.014253	0.367174	0.381427
TOTALS ID-650G-1 Sniff Hole	36° 36' 04.97" N	120° 49' 51.45" W	0.086	0.653146	0.757232
R-1918	36° 36' 25.79" N	120° 51' 31.37" W	0.253	--	0.253
V-849	36° 36' 32.79" N	120° 53' 8.19" W	1.462	--	1.462
TOTALS			2.694	0.792	3.4861410

5. The Project Description section has been amended as follows:

Project Description:

[...] Prior pipeline inspections on both L-300A and L-300B identified a potential internal anomaly on L-300B and corrosion of exposed pipeline on both L-300A and L-300B, prompting the need for the Project. Additional routine inspections identified three new locations that require maintenance. The Project ~~will~~ generally ~~include~~includes inspection and repair of any damage (corrosion, dents, etc.) that may be present, as well as one pipeline replacement, and one installation of a main line valve station and blowdown stack.

Maintenance and repair activities associated with the Project include ~~antwo~~ investigative ~~dig~~digs and associated sniff holes, recoating at ~~a~~ pipeline ~~span~~span, ~~one pipeline replacement, one installation of a main line valve station and blowdown stack,~~ and cross compression (i.e., ~~_~~moving gas from one pipe to another). Maintenance activities ~~will occur~~were completed at three separate Work Areas to date: Investigative Dig (ID)-78, ~~Span 24, and Span 27. Two other Work Areas~~ a sniff hole at ID-78, and Span 24. Maintenance activities will occur at four separate Work Areas: ID-650G-1, a sniff hole at ID-650G-1, R-1918, and V-849. One other Work Area will also be used to support maintenance and repair activities and will consist of a ~~sniff hole at ID-78 and a~~ cross compression site ~~(Figure 1).~~

Investigative Dig ID-78

* * *

Project Access and Work Areas

[...] From Recalde Road, crews will access the ID-78 Work Area by traveling overland for approximately ~~446~~427 feet to the Work Area east of the creek. The Work Area will cover approximately ~~0.18 acre~~0.172 acres and will include up to one bell hole and a pair of sniff holes. [...] The western sniff hole workspace will cover approximately ~~0.06 acre~~0.061 acres and

will be accessed from Panoche Road along an approximately ~~643~~508-foot existing dirt road on the west side of Panoche Creek (Figure ~~22a~~).

* * *

~~Cross-Compression~~

Project ~~Access and Work Areas~~

The maintenance activities at ID-78 may require cross compression to remove gas from the
begin on September 22, 2021, and were completed on November 17, 2021.

~~Investigative Dig ID-650G-1~~

An in-line inspection previously identified an anomaly on pipeline L-300B at MP 413.17
(Figure 2b). The ID-650G-1 Work Areas will require excavation and physical inspection of the
pipe so that a suitable repair decision can be made, and the appropriate repair or
replacement can be executed.

Project Access and Work Areas

Crews will access the ID-650G-1 Work Areas from two dirt access roads off Recalde Road.
These same roads were used at the ID-78 Work Areas. The access road to the western Work
Area. Cross-compression begins approximately 0.5 miles east of the intersection of Recalde
Road and Panoche Road and continues overland southeast for the ID-78 approximately 506
feet to the Work Area will be conducted at the valve station at MP 410, where L-300A and L-
300B. Access to the eastern Work Area begins approximately 0.65 miles east of the
intersection of Recalde Road and Panoche Road and continues overland south for
approximately 425 feet to the Work Area. Both access roads are approximately 15 feet in
width.

The western Work Area is approximately 0.25 acres and includes a primary excavation and
contingency sniff hole. The primary excavation shall measure approximately 10 feet wide by
12 feet long and 9 feet deep to allow for inspection of the pipeline anomaly. Once the pipe
has been inspected, a repair decision will be made which could include recoating the pipe,
installation of a sleeve, patching the existing pipe, or an in-kind replacement of a segment of
the pipeline. If it is determined that a segment of pipe must be replaced to address the
anomaly, a sniff hole excavation measuring approximately 6 feet square and 9 feet deep will
be excavated approximately 100 feet from the primary excavation within the western Work
Area to access the pipeline and safely clear any residual gas from the pipe prior to welding. A
second sniff hole excavation measuring 6 feet square and 9 feet deep would be required
within the approximately 0.09-acre eastern Work Area if the repair requires replacement of
pipe. If the pipe can be repaired without replacing a segment, the two sniff holes will not be
excavated. No work, including access, will occur within the bed, bank, or channel of Panoche
Creek.

~~Construction Methods~~

At the primary excavation, a backhoe and/or vacuum truck will excavate a pothole to locate reference girth welds and confirm the locations of the pipeline anomaly. A backhoe and shovels will be used to excavate soils around the pipeline and expose the anomaly for inspection and repair. Shoring will be installed to prevent sloughing of soil into the excavation.

Prior to excavation, the top 6 to 12 inches of topsoil will be removed and segregated from other spoils to retain the seedbank, then the topsoil will be re-spread over the excavation after it has been backfilled. Stockpiled soils will be stored in uplands on site adjacent and where the required compressors and to each excavation. Excavated material not used for backfill will be disposed of at an appropriate off-site location. In the event that dewatering from the excavation is required, groundwater will be removed using a containment vehicle, treated for sediment and discharged into an upland area for dust control or directly off hauled to an approved disposal facility. No ponding will be allowed.

Once the repair is completed, the excavations will be backfilled with wet sand around the top of pipe then native soil and topsoil will be added to bring to final grade. Erosion will be controlled by stabilizing the soil with weed-free native seed mix.

If a cutout repair (replacement) is determined to be necessary after inspection, excavation of the two sniff holes will follow the methods described above for the primary excavation.

PG&E may use the following equipment on the site: excavator, backhoe, hydrovac trucks, pick-up trucks, portable generators, water truck, air compressor, light plant, portable sanitation facility, temporary fencing, shoring, water pump, hydrotest trailer, vacuum truck, welding rig, haul truck water buffalo, coating truck, and hand tools.

Schedule

Project activities are expected to require approximately 6 to 12 weeks to complete but may extend to approximately 16 weeks if there are unforeseen delays.

R-1918

A retired 12-inch diameter pipeline stub (labeled BD602), blowdown stack, and valve are located on L-300B just east of Norton Road (Figure 2c). The approximately 105-foot stub, blowdown stack, and valve need to be removed to avoid unnecessary inspections and pressure constraints. After the removal of stub BD602, the blowdown stack, and the valve, the retired segment of L-300B will be replaced with straight pipe. The R-1918 activities will occur during the cross-compression clearance in tandem with the ID-650G-1 and V-849 activities.

Project Access and Work Area

The R-1918 Work Area is located in Panoche Valley adjacent to the east side of Norton Road, approximately 0.08 miles north of the intersection of Norton Road and Panoche Road. Crews will remove a segment of the existing barbed wire fence to access the site. The Work Area is approximately 0.25 acres.

Construction Methods

A pothole will be excavated with a backhoe and/or vacuum truck to locate the tee fitting connecting L-300B and BD602. Once located, a main bell hole excavation measuring approximately 8 feet wide by 10 feet long by 9 feet deep will be excavated to expose L-300B and the valve, and a trench measuring approximately 2 feet wide by 105 feet long by 9 feet deep will be excavated along stub BD602. A bell hole excavation measuring approximately 8 feet square by 9 feet deep will also be excavated at the abandoned blowdown stack to allow for removal. Shoring will be installed to prevent sloughing of soil into the excavations. Because a segment of L-300B will need to be cut out to remove the valve and stub, two sniff holes measuring approximately 6 feet square by 9 feet deep will be required, one on each side of the main bell hole excavation. Once the sniff holes are excavated and the pipe segment has been cleared of gas, the retired pipe, the blowdown stack, and the valve will be removed and cut from L-300B, and a new segment of straight pipe will be installed in place of the old valve and stub on L-300B. The new segment will be hydrotested, welded to each tie-in point, X-ray inspected, and coated prior to backfill. The removed valve, pipe segments, and blowdown stack will be hauled offsite for disposal at an approved facility.

Prior to excavation, the top 6 to 12 inches of topsoil will be removed and segregated from other spoils to retain the seedbank then re-spread over the excavation after it has been backfilled. Stockpiled soil will be stored on site. Excavated material not used for backfilling will be disposed of at an appropriate offsite location. In the event that dewatering from the excavation is required, groundwater will be removed using a containment vehicle, treated for sediment and discharged into an upland area for dust control or directly off hauled to an approved disposal facility. No ponding will occur as part of this activity.

Once the repair is completed, the excavations will be backfilled with wet sand around the top of the pipe then native soil and topsoil will be added to bring to final grade. Erosion will be controlled by stabilizing the soil with weed-free native seed mix.

The following equipment will be used for the Project activities: backhoe, front-loader, vacuum truck, dump truck, flatbed, work trucks, compressor, generator, welding truck, x-ray truck, and hand tools.

Schedule

Project activities are expected to require approximately 5 to 8 weeks to complete but may extend to approximately 12 weeks if there are unforeseen delays.

V-849

A new main line valve (MLV) and associated blowdown stack are required to be installed at MP 415 to bring a Class 3 segment of L-300B within Panoche Valley into compliance with Code of Federal Regulations (CFR) 192.179. This segment of L-300B pipeline is categorized as Class 3 due to the number of buildings intended for human occupation inside the Class Location Unit. CFR 192.179 requires that Class 3 pipeline segments have a valve within 4 miles to allow for isolation of the pipe segment in case of emergency. This requirement is

not currently met, so a new MLV will be installed along with an accompanying blowdown stack that will allow the pipeline to be vented when needed.

Project Access and Work Area

Crews will access the V-849 Work Area by travelling 0.5 miles west of the intersection of Little Panoche Road and Panoche Road, then north along a private established graveled access road labeled "Oliver Road" 0.1 miles to the Work Area (Figure 2d). All access will occur via existing roads. The total footprint of the Work Area including the staging area is approximately 1.46 acres.

Construction Methods

The MLV station will require two bell hole excavations measuring approximately 30 feet long by 10 feet wide by 10 feet deep and approximately 20 feet long by 8 feet wide by 10 feet deep. A trench measuring approximately 48 feet long by 2 feet wide by 10 feet deep will be excavated from the MLV bell hole to the blowdown stack bell hole. The blowdown stack bell hole will be approximately 6 feet square by 10 feet deep. Shoring will be installed to prevent sloughing of soil into these excavations. Sniff hole excavations are required on each side of the MLV excavation that will measure approximately 6 feet square and 10 feet deep.

Once excavations to expose L-300B are complete, a segment of the existing pipeline will be cut out to make room for the new valves, including a new 34-inch valve and two new 12-inch bridle valves. A new 12-inch pipeline segment and a new blowdown stack will also be installed. All new equipment will be hydrotested, welded to each tie-in point, X-ray inspected, and coated prior to backfill.

Prior to excavation, the top 6 to 12 inches of topsoil will be removed and segregated from other spoils to retain the seedbank then re-spread over the excavation after it has been backfilled. Stockpiled soil will be stored on site. Excavated material not used for backfilling will be disposed of at an appropriate offsite location. In the event that dewatering from the excavation is required, groundwater will be removed using a containment vehicle, treated for sediment and discharged into an upland area for dust control or directly off hauled to an approved disposal facility. No ponding will be allowed.

Once the installation is completed, the excavations will be backfilled with wet sand around the top of pipe then native soil and topsoil will be added to bring to final grade. Erosion will be controlled by stabilizing the soil with weed-free native seed mix, apart from approximately 0.02 acres surrounding the MLV and blowdown stack where gravel and fencing will be installed for permanent access and to ensure security and public safety.

The following equipment will be used for the Project activities: backhoe, front-loader, vacuum truck, work trucks, compressor, generator, welding truck, x-ray truck, and hand tools. The previously listed equipment will be stored at the temporary laydown area, including a restroom facility, work trailer, stockpiles, metal dumpsters, and water tank.

Schedule

Project activities are expected to require approximately 5 to 8 weeks to complete but may extend to approximately 12 weeks if there are unforeseen delays.

Cross Compression

can be stagedThe maintenance activities for R-1918 and V-849 will be grouped together and performed during the same cross-compression clearance of gas from L-300B. If the ID-650G-1 repair requires a cut-out and replacement of pipe, work will be conducted during the clearance taken for R-1918 and V-849.

Project Access and Work Areas

Gas clearance will occur at the valve station located at L-300B MP 410.87. Pedestrian and equipment access to the valve station will be from Panoche Road. Temporary equipment and aboveground/above-ground operations will be confined to an approximately 0.40-acre area (Figure 3).

Construction Methods

Following inspection at ID-78, PG&E will consider any potential repairs needed for pipeline safety. If a pipe cutout is necessary, cross compression will be conducted at the existing valve at MP 410 to clear gas from the line. If required, crossCross compression equipment will include three trailers and a compressor. Temporary aboveground high-pressure hoses will connect the compressor to the valves on L-300A and L-300B. Hose installation may require a backhoe/utility truck-mounted crane or similar equipment to lift and place the hoses. Lights will be staged on site and will be faced in a downward position if cross compression is/activities are required at night. When the inspection and repair activities on L-300B are completed, gas will be returned to the line/pipeline and all cross-compression equipment will be removed. No excavation is required for cross compression, and temporary impacts will be limited to vehicular traffic and equipment staging only.

The following equipment may be used for Project activities: three compressor units, heavy-duty passenger truck with crane, compression hoses, support trailer, light, generator, and blue room.

Schedule

Clearance activities are expected to require one week to complete.

Span 24

* * *

Project Access and Work Areas

[...] Crews will travel south approximately 0.4 mile/miles on the established dirt road to a designated vehicle staging area on the dirt road. To reach the span, crews will travel south on foot along an existing unimproved 640/530-foot overland route. The Work Area at the span

will cover approximately 3087 square feet (0.0007002-acre). If sandblasting is required, a utility truck or utility terrain vehicle (UTV) will travel along the overland access route to an approximately 400130-square-foot (0.002003-acre) designated staging area located next to the span (Figure 4).

* * *

Span 27

~~Span 27 is located along L-300B in the Tumey Hills, and similar to Span 24, requires repair at the ATS transition.~~

~~Project **Access and Work Areas**~~

~~Span 27 will be accessed from an unnamed dirt road that connects to Panoche Road approximately 3 miles south of the cross-compression Work Area. Crews will access the Span 27 Work Area in pickup trucks along existing paved and unpaved roads and will walk in where needed to avoid sensitive resources along overland access routes. Vehicle staging will occur at established locations along existing roads or access routes. Crews will travel east approximately 530 feet activities at Span 24 began on an established dirt road, then north and east October 15, 2021, and were completed on an existing two-track road approximately 1,600 feet to reach the span. A vehicle parking area measuring approximately 500 square feet (0.01 acre) will be located near the end of the two-track road. If sandblasting is required, a utility truck or UTV will travel from the designated vehicle parking area along the overland access route to the span. The two work areas at the ATS transition will each cover approximately 45 square feet (0.001 acres each/0.002 acres total) (Figure 5).~~

~~**Construction Methods**~~

~~Soil around the pipeline will be excavated with hand tools approximately 4.5 feet back from the ATS transition to expose the pipe to facilitate inspection and coating removal. Excavated soils will be temporarily stockpiled in established Work Areas located adjacent to the pipe. Any existing loose detrimental foreign matter will be removed from the pipe with hand tools and disposed of offsite. Primary containment of removed coating will involve capturing the coating by hand. Secondary containment will involve placing polyethylene plastic sheeting below the pipeline to capture the removed coating. All voids and pockets along the removed coating area will be filled and the pipeline will be recoated by wrapping with cold-applied tape. The excavation will be backfilled with the excavated soil and the site will be restored to preconstruction contours and elevations. Stockpiled topsoil will be spread over disturbed areas, stabilized as needed with erosion control measures, and reseeded with a native seed mix.~~

~~If additional corrosion or mechanical damage is identified once the pipe coating is removed, sandblasting may be required to remove the corroded or damaged material. Sandblasting will require use of a UTV or truck-mounted sand blast pot and generator. Crews will encase the sandblast work location with plastic sheeting to contain sand blast media and prevent it from leaving the Work Area. Sandblasting trucks/UTVs will be staged in the designated area north~~

~~of Span 27. Crews will use hosing to reach the sandblast area from the staged sandblasting equipment~~November 27, 2021.

6. The Covered Species Subject to Take Authorization section has been amended as follows:

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ⁴
1. Giant kangaroo rat (<i>Dipodomys ingens</i>)	Endangered ⁵
2. [...]	[...]

* * *

7. The Impacts of the Taking on Covered Species section has been amended as follows:

Impacts of the Taking on Covered Species:

* * *

[...] The areas where authorized take of the Covered Species is expected to occur include the areas described in Table 1 above (collectively, the Work Area(s)), and traveling to and from each Work Area within the Project Area (~~labeled as “Permit Area” in~~see Figures 22a through 54; collectively, the Project Area). The Work Area(s) are defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.

The Project is expected to cause the temporary loss of ~~1.41~~3.47 acres of habitat for the Covered Species and the permanent loss of 0.02 acres of habitat for the Covered Species. [...]

8. The Conditions of Approval section has been amended as follows:

Conditions of Approval:

* * *

3. General Provisions:

* * *

3.2. ~~Designated Biologist~~/Designated Monitor. Permittee shall submit to CDFW in writing the name, qualifications, business address, ~~and~~contact information, and references with contact information of ~~a biological monitor (proposed~~ Designated Biologist(s) before starting Covered Activities. using the Biologist Resume Form

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

⁵See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(6)(C).

(Attachment 2) or another format containing the same information. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist ~~is(s) are~~ knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the proposed Designated ~~Biologist's~~ Biologist(s)' experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat (GKR) and San Joaquin antelope squirrel (SJAS), as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. ~~Permittee has CDFW may approve Designated Monitor(s) that do not meet the option qualifications of utilizing a Designated Monitor~~ Biologist to assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). If the Permittee chooses to utilize ~~a~~ Designated Monitor(s), the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references ~~of the proposed Designated Monitor.~~ Designated Monitors may assist the Designated Biologist as specified in advance and approved in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s) or Designated Monitor(s) shall prohibit open communication with CDFW. Failure to notify CDFW of any non-compliance, 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 with contact information of the proposed Designated Monitor(s). Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW.

- 3.3.** Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to 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/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated 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.

- 3.4. Education Program. [...] The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, definition of 'take', recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. [...]
- 3.5. Construction Monitoring ~~Notebook~~ Documentation. The Designated Biologist(s) and Designated Monitor(s) shall maintain ~~a construction-~~ monitoring ~~notebook documentation~~ on-site 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. [...]
- * * *
- 3.10. Wildfire Avoidance. [...] Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 3.4 Education Program.
- * * *
- 3.13. Permission for Project Access to Silver Creek Ranch. Prior to initiating any vegetation- or ground-disturbing Covered Activities, Permittee shall provide CDFW with proof of permission from the owner (Center for Natural Lands Management, or CNLM) and Conservation Easement grantee to access all Work Areas on the privately owned and permanently conserved Silver Creek Ranch (see Figure 65 for boundaries of Silver Creek Ranch, depicted on this figure as Silver Creek Ranch HM lands). [...]
- 3.14. Project Access. [...] 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 or Covered Species habitat impacts will occur as a result of the Project modification.
- 3.15. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 3.14 Delineation of Project Boundaries of this ITP.

- 3.16. Hazardous Waste. Permittee shall properly maintain all machinery to prevent spills and leaks. Permittee shall immediately stop and, pursuant to pertinent ~~state~~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. [...]

* * *

4. Monitoring, Notification and Reporting Provisions:

* * *

- 4.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if ~~it determines~~they determine that 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 and or Designated Biologist(s) shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP ~~to CDFW within 24 hours~~and suggested measures to remedy the situation.
- 4.3. Giant Kangaroo Rat Mortality Reduction and Relocation Plan. [...] The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility ~~for~~capable of and willing to treat injured ~~animals~~GKR. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Approved Designated Monitors may capture, handle, and relocate GKR under the direct supervision of the Designated Biologist. [...]
- 4.4. San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan. [...] The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility ~~for~~capable of and willing to treat injured ~~animals~~SJAS. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Approved Designated Monitors may capture, handle, and relocate SJAS under the direct supervision of the Designated Biologist. [...]
- 4.5. San Joaquin Kit Fox ~~(SJKF)~~Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the start of Covered Activities. [...]

~~4.6. Habitat Restoration Plan. Within three months of issuance of this ITP, Permittee shall submit a Habitat Restoration Plan to CDFW for review and approval to facilitate revegetation of the 1.41 acres of temporary disturbance on site. Permittee shall restore the soil and vegetation to a condition conducive for Covered Species recolonization. Permittee shall ensure restoration is completed in compliance with the Silver Creek Ranch Conservation Easement and Long-term Management Plan and that the Habitat Restoration Plan is successfully implemented by the contractor. At a minimum, the Habitat Restoration Plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration activities; (3) identification of the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet; (4) description of how the native topsoil from the Work Areas and/or seed will be applied over the area to establish suitable vegetation for Covered Species; (5) a California native plant palette and seed sources; (6) a planting plan, including seed application method; (7) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (8) avoidance and minimization measures; (9) monitoring and maintenance measures and a timeline when these will occur; (10) proposed success criteria and contingency measures if the first application is unsuccessful to ensure upland habitat suitability for Covered Species; (11) a funding source to cover the total costs of restoration; and (12) indicate the time of year seeding will occur to ensure adequate growth without supplemental watering or describe the methods of supplemental watering delivery.~~

4.7.4.6. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(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. [...]

4.8.4.7. Record of Covered Species Relocation Efforts. The Designated Biologist(s) shall maintain a record of all GKR and SJAS handled and all documented observations of SJKF. This information shall include for each animal: [...]. The Designated Biologist(s) shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval **4.9Monthly Compliance Report** below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval **4.12Final Mitigation Report** below shall include cumulative results, analysis of data collected, and conclusions.

4.9.4.8. Monthly Compliance Report. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Conditions of Approval **4.7Compliance Monitoring** and **4.8Record of Covered Species Relocation Efforts** into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current

implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within each Work Area, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in ~~the~~ each Work Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. [...] At the time of this ITP's approval, the CDFW Regional Representative is ~~Craig Bailey~~ (~~Craig.Bailey@wildlife.ca.gov~~), Stephanie Manzo (Stephanie.Manzo@wildlife.ca.gov), the CDFW Regional Office email is ~~R4CESA@wildlife.ca.gov~~, R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov, CESA@wildlife.ca.gov. CDFW may at any time ~~increase~~adjust 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~~shall be changed, CDFW will notify Permittee in writing of the new reporting schedule.

4.10.4.9. Annual Status Report. [...] Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval ~~4.9~~Monthly Compliance Report; [...] and (13) information about other Project impacts on the Covered Species. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval ~~4.9~~Monthly Compliance Report above.

4.11.4.10. CNDDDB Observations. The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.

4.12.4.11. Final Mitigation Report. [...] The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; [...].

4.13.4.12. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by ~~calling~~contacting the Regional Office at ~~(559) 243-4005~~R4CESA@wildlife.ca.gov and ~~by e-mail to~~emailing the CDFW Regional Representative. [...]

5. Take Minimization Measures: [...]

* * *

- 5.1. Designated Biologist On Site.** The Designated Biologist(s) shall be on site for the duration of the day during all activities that may result in the take of Covered Species.

* * *

- 5.4. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval ~~5.21, 5.26, and 5.29~~ GKR Burrow Excavation, SJAS Burrow Excavation, and SJKF Den Excavation.

- 5.5. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist(s) shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval ~~4.3 and 4.4~~ Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.

* * *

- 5.8. Materials Inspection.** [...] If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist(s) shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval ~~4.3 and 4.4~~ Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.

- 5.9. Excavation Inspection.** The Designated Biologist(s) and/or Designated Monitor(s) shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. [...] Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) and/or Designated Monitor(s) shall thoroughly inspect them for Covered Species. 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 the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS

Mortality Reduction and Relocation Plans required in Conditions of Approval ~~4.3 and 4.4~~Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.

- 5.10. Pipes and other Structures Entrapment Prevention. [...] The Designated Biologist(s) and/or Designated Monitor(s) shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. [...]
- 5.11. Covered Species Observations. All workers shall inform the Designated Biologist(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or a GKR or SJAS is moved by the Designated Biologist(s) as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval ~~4.3 and 4.4~~Giant Kangaroo Rat Mortality Reduction and Relocation Plan and San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan above.
- 5.12. Delineation of Environmentally Sensitive Areas. [...] Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval ~~5.17, 5.24, and 5.27~~GKR Burrow Avoidance, SJAS Burrow Avoidance, and SJKF Den Avoidance. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval ~~5.18, 5.21, 5.25, 5.26, 5.28, and 5.29~~GKR Relocation, GKR Burrow Excavation, SJAS Relocation, SJAS Burrow Excavation, SJKF Den Replacement, and SJKF Den Excavation.
- 5.13. Vegetation Removal. Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of the Designated Biologist(s) using hand tools within the Project Area to encourage Covered Species to move out of the area.
- 5.14. Habitat Restoration. Within three months of issuance of this ITP, Permittee shall submit a Habitat Restoration Plan to CDFW for review and approval to facilitate revegetation of the 3.47 acres of temporary disturbance on site. Permittee shall restore the soil and vegetation to a condition conducive for Covered Species recolonization. Permittee shall ensure restoration is completed in compliance with the Silver Creek Ranch Conservation Easement and Long-term Management Plan and that the Habitat Restoration Plan is successfully implemented by the contractor. At a minimum, the Habitat Restoration Plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration activities; (3) identification of

the final soil compaction rate less than that of representative adjoining Covered Species habitat to a depth of no less than three feet; (4) description of how the native topsoil from the Work Areas and/or seed will be applied over the area to establish suitable vegetation for Covered Species; (5) a California native plant palette and seed sources; (6) a planting plan, including seed application method; (7) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (8) avoidance and minimization measures; (9) monitoring and maintenance measures and a timeline when these will occur; (10) proposed success criteria and contingency measures if the first application is unsuccessful to ensure upland habitat suitability for Covered Species; (11) a funding source to cover the total costs of restoration; and (12) indicate the time of year seeding will occur to ensure adequate growth without supplemental watering or describe the methods of supplemental watering delivery. The Permittee shall begin habitat restoration activities described in the Habitat Restoration Plan, including any required seeding or plantings, within 1 year of completed ground disturbance at any Project location (ID-78, ID-78 Sniff Hole, Cross Compression, Span 24, ID-650G-1, ID-650G-1 Sniff Hole, R-1918, and V-849).

5.14.5.15. **Pre-Construction Surveys and Reporting.** The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species (SJKF, GKR, and SJAS) no more than 30 days prior to Covered Activities.

5.14.1.5.15.1. **GKR Surveys.** The Designated Biologist(s) shall survey the Work Area and a 50-foot buffer to identify, flag, and map all potential GKR burrows, whether they appear active or inactive, no more than 30 days prior to initiating any Covered Activities. [...] The report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will commence as described in Condition of Approval **4.3Giant Kangaroo Rat Mortality Reduction and Relocation Plan.**

5.14.2.5.15.2. **SJAS Surveys.** The Designated Biologist(s) shall survey the Work Area and 50 feet beyond the limits of the Work Area to identify all potential burrows used by SJAS. [...] The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval **4.4San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan.**

5.14.3.5.15.3. **SJKF Surveys.** The Designated Biologist(s) shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the

den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and ~~infrared~~wildlife camera to determine the current use of the den(s). [...]

5.15-5.16. Temporary Exclusion Fencing. Permittee shall install Temporary Exclusion Fencing around the perimeter of the Work Areas immediately following pre-construction surveys in accordance with Condition of Approval ~~5.14.~~Pre-Construction Surveys and Reporting. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist(s) using hand tools within the Work Area.

5.16-5.17. Temporary Exclusion Fencing Installation. In Work Areas where exclusion fencing will be installed, the Designated Biologist(s) shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows and dens cannot be avoided in accordance with the appropriate buffer distances described in Conditions of Approval ~~5.17, 5.24~~GKR Burrow Avoidance, SJAS Burrow Avoidance, and ~~5.27~~SJKF Den Avoidance as applicable, they shall be excavated as described in Conditions of Approval ~~5.21, 5.26~~GKR Burrow Excavation, SJAS Burrow Excavation, and ~~5.29~~SJKF Den Excavation below prior to commencing fence installation if fence will be trenched. If installing trenchless fence, the Designated Biologist(s) shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist(s) shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary. [...]

GKR Specific Measures

5.17-5.18. GKR Burrow Avoidance. The Designated Biologist(s) shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within and adjacent to the Work Area, identified in the GKR Burrow Map Survey report required by Condition of Approval ~~5.14.1~~GKR Surveys. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Condition of Approval ~~5.18 and 5.21~~GKR Relocation and GKR Burrow Excavation below.

5.18-5.19. GKR Relocation. Any potential GKR burrows detected by the Designated Biologist(s) within the Work Area that cannot be avoided per Condition of Approval ~~5.17~~GKR Burrow Avoidance shall be live trapped by the Designated Biologist(s) immediately following exclusion fencing installation and prior to

commencing Covered Activities within the Work Area. The Designated Biologist(s) shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval ~~4.3~~ Giant Kangaroo Rat Mortality Reduction and Relocation Plan). The Designated Biologist(s) shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials within the release cages or artificial burrows.

~~5.19~~5.20. GKR January 1-August 31 Trapping Constraints. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise. The Designated Biologist(s) shall release any captured pregnant or lactating/nursing female or dependent juvenile GKR immediately at the trap location.

~~5.20~~5.21. GKR Weather Constraints for Trapping. During the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist(s) shall close all traps for GKR. Additionally, the Designated Biologist(s) shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist(s) shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist(s) shall replace this material with new material after each time a capture occurs in a given trap.

~~5.21~~5.22. GKR Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval ~~5.18~~ GKR Relocation and prior to commencing Covered Activities within the Work Area the Designated Biologist(s), or an individual under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist(s) shall relocate any GKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval ~~4.3~~ Giant Kangaroo Rat Mortality Reduction and Relocation Plan). [...]

~~5.22~~5.23. GKR Pregnant or Lactating Females and Dependent Juveniles. Permittee shall minimize disturbance to pregnant or lactating female or dependent juvenile GKR trapped and released according to Condition of Approval ~~5.19~~ GKR January 1-August 31 Trapping Constraints above during burrow excavation. [...] The Designated Biologist(s) may monitor activity at the precinct with a remote camera. Because the occupied precinct will be enclosed with fencing that could potentially inhibit or preclude foraging, the Designated Biologist(s) shall place a sufficient amount of seed to sustain a nursing female with dependents at the

precinct opening. If the Designated Biologist(s) can determine with certainty which precinct the pregnant and/or lactating female with dependents is occupying, adjacent precincts may be excavated only if impacts to the precinct occupied by the pregnant and/or lactating female with dependents are completely avoided.

~~5.23-5.24.~~ **Protection of GKR Food Stores.** Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval ~~4.3~~ Giant Kangaroo Rat Mortality Reduction and Relocation Plan, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; [...]).

SJAS Specific Measures

~~5.24-5.25.~~ **SJAS Burrow Avoidance.** The Designated Biologist(s) shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas, identified in the survey report required by Condition of Approval ~~5.14.2~~ SJAS Surveys. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval ~~5.26~~ SJAS Burrow Excavation below.

~~5.25-5.26.~~ **SJAS Relocation.** The Designated Biologist(s) shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within each Work Area that cannot be avoided per Condition of Approval ~~5.24~~ SJAS Burrow Avoidance prior to commencing Covered Activities. The Designated Biologist(s) shall relocate any captured SJAS to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval ~~4.4~~ San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan). [...] Traps shall only be open during the time of day when **on-site temperatures** are within the 68 to 86 degrees Fahrenheit ~~criterion~~ criteria and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. [...]

~~5.26-5.27.~~ **SJAS Burrow Excavation.** Immediately following live trapping activities conducted to address Condition of Approval ~~5.25~~ SJAS Relocation and prior to commencing Covered Activities, the Designated Biologist(s), or an individual under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall commence during the same weather conditions as discussed in Condition of Approval ~~5.25~~ SJAS Relocation above. The Designated Biologist(s) shall relocate any SJAS encountered during burrow excavation to the CDFW-approved release site(s) identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist(s) (Condition of Approval ~~4.4~~ San Joaquin Antelope Squirrel Mortality Reduction and Relocation Plan). Any dormant SJAS encountered shall be collected

by the Designated Biologist(s) and relocated to an artificial burrow installed at the CDFW-approved release site. [...]

SJKF Specific Measures

5.27-5.28. SJKF Den Avoidance. [...] Dens in an area of temporary disturbance shall remain intact and the Designated Biologist(s) shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist(s) shall remove the object immediately after Covered Activities are completed in the Project Area when the Designated Biologist(s) has determined that potential resumed use of the den will not result in harm to SJKF. [...]

5.28-5.29. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval **5.27 SJKF Den Avoidance**, with an artificial den. [...] Installation of artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval **5.29 SJKF Den Excavation**) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval **4.5 San Joaquin Kit Fox Den Replacement Plan**.

5.29-5.30. SJKF Den Excavation. The Designated Biologist(s) or individuals under direct supervision of the Designated Biologist(s) shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval **5.27 SJKF Den Avoidance** only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and **infrared wildlife** camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist(s) without advance tracking or camera monitoring. [...] Excavation of the den shall only resume when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. [...]

5.30-5.31. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility within seven (7) days of issuance of this ITP. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by ~~telephone and~~ e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval **4.13. Notification of Take or Injury. Notifications** shall include the name of the facility where the animal was taken.

~~5.31-5.32.~~ Dewatering. If dewatering of excavations is necessary, groundwater shall be discharged in a manner that avoids impacts to Covered Species and their burrows, precincts, or dens, as applicable. Groundwater discharge activities shall occur outside of Environmentally Sensitive Areas and work exclusion zones, as specified in Conditions of Approval ~~5.12, 5.17, 5.24, and 5.27.~~ Delineation of Environmentally Sensitive Areas, GKR Burrow Avoidance, SJAS Burrow Avoidance, and SJKF Den Avoidance. [...]

9. The Habitat Management Land Acquisition and Restoration section has been amended as follows:

Habitat Management Land Acquisition and Restoration: [...] This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall either purchase 25 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval ~~6.2 Covered Species Credits~~) OR shall provide for both the permanent protection and management of 25 acres of Habitat Management (HM) lands pursuant to Condition of Approval ~~6.3~~ Habitat Management Lands Acquisition and Protection below, and the calculation and deposit of the management funds pursuant to Condition of Approval ~~6.4~~ Endowment Fund below, on a portion of a 40-acre parcel (hereafter "mitigation parcel") owned in fee by the Permittee in the Panoche Valley, San Benito County (Assessor's Parcel Number 027-360-008). [...] Permittee previously proposed and was approved to conserve 8 acres of the 40-acre mitigation parcel to meet HM Lands requirements of ITP No. 2081-2011-071-04 (2011 Hydrotest Project) and 0.6 ~~acres~~ to meet HM Lands requirements of ITP No. 2081-2017-005-04 (ID-71 Project). Combined, these lands will be preserved and managed under one conservation easement. In addition to serving as Project-level mitigation for this ITP and the two mentioned above, the remaining 2926.4 acres of the 40-acre parcel is intended to meet future mitigation obligations related to Permittee's future gas transmission projects in the Panoche Valley.

CDFW has conceptually approved to the appropriateness of 25 acres of HM lands within the 40-acre mitigation parcel as suitable to meet the HM Lands requirement of this ITP. Prior to final approval of the HM lands, CDFW shall review the information submitted as described in Condition of Approval ~~6.3.3~~ HM Lands Documentation. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or by July 1, ~~2026~~ 2031, if Security is provided pursuant to Condition of Approval ~~7~~ Security below for all uncompleted obligations. ~~Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:~~

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

- 6.1.1. Land acquisition costs for HM lands identified in Condition of Approval ~~6.3~~Habitat Management Lands Acquisition and Protection below, estimated at \$8,047.50/acre for 25 acres: ~~\$16,095.00~~40,237.50. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees-;
 - 6.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval ~~6.3.5~~Start-up Activities below, estimated at ~~\$12,976.71~~22,153.89;
 - 6.1.3. Interim management period funding as described in Condition of Approval ~~6.3.6~~Interim Management (Initial and Capital) below, estimated at ~~\$52,409.17~~77,540.21;
 - 6.1.4. Long-term management funding as described in Condition of Approval ~~6.4~~Endowment Fund below, estimated at ~~\$165,409.43~~100,761.36/acre for 25 acres: ~~\$330,818.86~~503,806.80. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management-;
 - 6.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval ~~6.5~~Reimburse CDFW, estimated at ~~\$1215,000~~-;
 - 6.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 25 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or by July 1, ~~2026~~2031, if Security is provided pursuant to Condition of Approval ~~7~~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 by July 1, 2031, if Security is provided.
- OR:
- 6.3. Habitat Management Lands Acquisition and Protection. T~~o~~lf the Permittee elects to provide for the acquisition, permanent protection, and perpetual protection and management of the HM lands, then the Permittee shall:
 - 6.3.1. Fee Title/ Conservation Easement. Transfer fee title ~~to~~of the HM lands to CDFW pursuant to terms approved in writing by CDFW. [...]

~~6.3.1.~~6.3.2. Conservation Easement. [...] If CDFW ~~does~~selects not ~~hold to be~~named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

~~6.3.2.~~6.3.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, ~~a formal~~Proposed Lands for Acquisition Form (see Attachment 2A) documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species~~;~~;

~~6.3.3.~~6.3.4. HM Lands Documentation. Provide a recent preliminary title report, ~~initial hazardous materials survey report~~Phase I Environmental Site Assessment, and other necessary documents (~~see Attachment 2B~~please contact CDFW for document list). All documents conveying the HM~~-~~ lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services~~;~~;

~~6.3.4.~~6.3.5. Land Manager. [...] If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.

~~6.3.5.~~6.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at <https://www.wildlifernm.dfg.ca.gov/Conservation/Planning/Banking/Templates/FileHandler.ashx?DocumentID=227736>); [...] (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage~~;~~;

~~6.3.6.~~6.3.7. Interim Management (Initial and Capital). [...] Permittee shall either (1) provide ~~a security~~Security to CDFW for the minimum of three

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

- 6.4. Endowment Fund. The Endowment Fund. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that ~~provides~~ is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan ~~(s)~~ required by Condition of Approval 6.3.5 Start-up Activities. [...]

* * *

- 6.4.1. Identify an Endowment Manager. [...] Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(43) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with section 2081(b)(43).
- 6.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR")) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the PAR endowment assessment before transferring funds to the Endowment Manager.
- 6.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for

use in calculating the PARendowment assessment and adjust for any additional administrative, periodic, or annual fees.

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

* * *

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

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

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

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

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

10. The Performance Security section has been amended as follows:

Performance Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 6Habitat Management Land Acquisition and Restoration that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 7.1. Security Amount. The Security shall be in the amount of ~~\$424,298.74~~658,738.40. This amount is based on the cost estimates identified in Condition of Approval 6.1Cost Estimates above.

* * *

- 7.3. Security Timeline. The Security shall be provided in draft form to CDFW's Regional Representative for review and approval prior to execution. Permittee shall execute the CDFW-approved Security before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

* * *

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

* * *

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

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

OR:

- Written documentation of the acquisition of the HM lands; [...]

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than July 1, ~~2026~~2031. [...]

11. The Stop-Work Order section has been amended as follows:

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

~~requiring instructing the~~ Permittee to suspend any Covered Activity for an initial period of up to ~~2530~~ 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 ~~2530~~ 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) nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

12. The Notices section has been amended as follows:

Notices:

~~The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:~~

~~Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090~~

~~Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.~~

* * *

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
~~(559) 243-4005~~
R4CESA@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:

~~Craig Bailey, Senior~~Stephanie Manzo, Environmental Scientist
(Supervisory)
California Department of Fish and Wildlife
1130 East Shaw Avenue
Fresno, California 93710
(559) ~~243-4014~~578-0409
~~Craig.Bailey@wildlife.ca.gov~~
Stephanie.Manzo@wildlife.ca.gov

13. The Compliance with the California Environmental Quality Act section has been amended as follows:

Compliance with the California Environmental Quality Act (CEQA):

As the “public agency which has the principal responsibility of approving the ID-78/~~Spans ID-650G-1/R-1918/V-849/~~Span 24-and-27, L-300,” (Pub. Resources Code, § ~~21067~~), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because the Project is subject to California Code of Regulations, title 14, ~~Article 18, Statutorily Exemption~~ section 15282, subdivision (k), “The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length”; as well as Public Resources Code, section 21080.21, “This division does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline.” ~~“‘Pipeline’.~~ For purposes of this section, ‘pipeline’ includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.” (Pub. Resources Code, § ~~21080.21(a)~~). CDFW has filed a Notice of Exemption for the Project.

14. The Findings Pursuant to CESA section has been amended as follows:

Findings Pursuant to CESA:

* * *

- (1) 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. [...] Based on this evaluation, CDFW determined that the protection and management in perpetuity of 25 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

* * *

15. The Attachments section has been amended as follows:

Attachments:

FIGURE 1 <u>1a</u>	Project Vicinity <u>Locations</u>
FIGURE 2 <u>1b</u>	<u>Project Locations (Continued)</u>
<u>FIGURE 2a</u>	ID-78
<u>FIGURE 2b</u>	<u>ID-650G-1</u>
<u>FIGURE 2c</u>	<u>R-1918</u>
<u>FIGURE 2d</u>	<u>V-849</u>
FIGURE 3	Cross Compression Site
FIGURE 4	Span 24
FIGURE 5	Span 27
FIGURE 6	Panoche Valley Solar Project Habitat Management Lands
ATTACHMENT 1	<u>Amended</u> Mitigation Monitoring and Reporting Program
ATTACHMENT 2A	<u>Proposed Lands for Acquisition</u> <u>2</u> <u>Biologist Resume</u> Form
ATTACHMENT 2B	Habitat Management Lands Checklist
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form <u>Major Amendment No.</u>
<u>3 with Track Changes</u>	

16. The Acknowledgement section has been removed:

ACKNOWLEDGMENT

~~The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions~~

By: _____ Date: _____

Printed Name: _____

Title: _____