



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

California Endangered Species Act
 Incidental Take Permit No. 2081-2024-057-04

CHALAN SOLAR AND STORAGE PROJECT

I. Authority:

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

Permittee:	Chalan CA Solar Storage, LLC
Principal Officer:	James Diven, SVP Project Development
Contact Person:	Marshall Nolen, 786-795-5486, marshall.nolen@origisenergy.com
Mailing Address:	800 Brickell Avenue, Suite 1000, Miami, Florida 33131

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on December 31, 2060.

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 the Condition of Approval Final Mitigation Report of this ITP.

III. Project Location:

The Chalan Solar and Storage Project (Project) consists of a 65 megawatt (MW) photovoltaic (PV) solar facility, 25 MW of energy storage, and access road located within approximately 627 acres of privately-owned land (Figures 1 and 2) in the northern portion of the San Joaquin Valley, in unincorporated Kern and Kings Counties. The Project is located east and south of Devil's Den Road,

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.

north of Twisselman Road, approximately 4 miles east of State Route (SR) 33 (West Side Highway), approximately 2 miles west of King Road, and approximately 7 miles west of Interstate 5. The nearest public roadway is King Road at 25th Avenue, located approximately 1 to 2 miles to the east of the Project. The nearest populated communities are Kettleman City, approximately 14 miles to the northwest and Lost Hills, approximately 16 miles southeast of the Project.

IV. Project Description:

The Project will construct, operate, and maintain a PV solar facility and associated infrastructure necessary to generate approximately 65 MW of renewable electrical energy including an associated 25 MW battery energy storage system (BESS) within the Project site (Figure 2). The solar electrical generation facility will consist of four arrays of solar PV panels, direct current-to-alternating current power inverters, racking materials, low-voltage transformer and power conditioning equipment, BESS, and an electrical interconnection (Figure 2).

Construction

Project construction is estimated to take approximately 240 days, over the course of 12 months.

Equipment needed to perform construction activities generally include but are not limited to: pile drivers, bulldozers, excavators, work trucks, forklifts, drill seeders/hydroseeders, cranes, water trucks, buggies, delivery trucks (18-wheelers, lowboys, flat-beds), skid steer, wire spool trucks, concrete pumps, concrete pour trucks, dump/haul trucks, skip loaders, end loaders, augers, passenger vans, pulverizers, trenchers, mowers, weed eaters, graders/blades, jackhammers, compressors, hand tools, power tools, rollers, (jumping jack) vibratory rammer/tamping compactors, augurs, boom lift/trucks, and scissor lifts.

Project construction activities include the following:

Vegetation control: Initial vegetation removal will be performed by mowing, weed-eating, manual grubbing, and spot herbicide use to control invasive weeds.

Site Preparation: Areas developed for access corridors, onsite substation, and BESS will be graded, smoothed, and compacted for either access or foundation preparation. Compaction will be performed using rolling compaction or in lifts (layers) utilizing “jumping jack” vibratory rammer/tamping compactors to compact the soil. Crushed rock will be placed following site preparation within the areas designated for the substation and BESS.

Access Corridors: The access corridors (Figure 2) will be built between arrays and adjacent to the perimeter fences. Interior access corridors will be constructed of compacted native soil sourced onsite and maintained for natural fire breaks throughout the entire Project site.

Concrete work: Concrete will be poured into rebar forms assembled onsite to construct footings, slabs, piers and pads for the inverters, substation transformers, water tanks, and equipment. The concrete will be either mixed prior to delivery in concrete trucks or mixed onsite in concrete trucks/pumps and buggies.

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Drainage Basins: Stormwater retention basins will be excavated within 7.3 acres of the Project site and 8.3 acres consisting of crushed rock such as limestone will be installed. Diversion swales and berms will be excavated at the Project perimeter. Basins and rip-rap cutoff trenches will be installed within major drainage corridors and perpendicular to natural drainage direction.

Installation of the Solar Arrays and Inverters: PV arrays and inverters will be installed on steel piles driven into the ground within 4 solar array areas on 409 acres of the Project site. Pile driving will utilize track mounted PD-10 or similar equipment with GPS tracking for pile placement. All materials, including steel piles, for the construction of the PV arrays will be transported to each installation location by forklift from the northern main laydown yard via access corridors. After driving piles, the tracker structures will be assembled utilizing forklifts and buggies to move materials and tools. Solar panels will then be attached to the solar trackers.

Inverter locations will be excavated to install underground electrical conduits near the underside of each inverter. Once the conduits are secured in place, the area below the inverters will be backfilled. The inverters will then be set by crane onto the piles and secured. Disturbed areas may be reseeded to prevent soil erosion.

Electrical Work, Installation of the Substation and Transmission Interconnection, and Telecom Installation: Underground electrical lines will be installed to connect the solar arrays with inverters and inverters to the substation using trenching equipment and backfilling materials to close the trench. The substation will then be connected directly to the gen-tie line leading to the Pacific Gas and Electric (PG&E) Arco Substation adjacent to the south side of the Project.

Additionally, telecommunication and meteorological data collection systems installation will be performed using open trench methods within the access road running along the northern portion of the Project site along the existing access road.

Substation: Construction of the substation will include a 21-foot by 26-foot concrete transformer slab and 24 reinforced concrete piers. The reinforced concrete piers will be constructed by auger up to 32 feet deep. Steel structures will follow to connect the substation components to each concrete pier. The substation components will include breakers, the main power transformer, disconnects, and enclosures for the electrical equipment.

Lighting: The only permanent exterior light will be installed within the substation. The control enclosure will have two wall mounted LED light fixtures 9 feet from grade. Static pole lights will have two light fixtures 18 feet from grade. Dead end structure lights will have two light fixtures 15 feet from grade.

BESS: Steel piles will be driven 16 feet into the ground to foot each of the battery units (batteries and their enclosures), inverters, switchboards, and transformers. A total of 58 batteries will be installed. Each battery will be no larger than 33 feet in width, 6 feet in length, and 9 feet in height. A total of 10 inverters will be installed. Each inverter will be connected to six batteries.

Generation Tie Line Construction: An approximately 350-foot, 230-kilovolt generation-tie line will be installed to transmit electricity to the PG&E Arco substation. One 60-to-80-foot pole will be installed

directly south of the Project substation. A foundation for the transmission pole will be constructed, the transmission pole erected into a 15-foot drilled hole and compacted, and transmission pole arms and insulators will be installed. Primary overhead and redundant underground and/or overhead communications lines will also be installed. Fiber optic cables will be installed in two smaller trenches to a depth of 24 inches. The first trench is 175 feet in length to the first utility box, and the second trench is 195 feet in length to the second utility box. Conduit will be placed in the trench from the utility box to the new substation and backfilled.

Operations and Maintenance (O&M) Building and Trailer: An O&M building and trailer will be constructed north of the BESS facility for infrequent onsite monitoring during the O&M phase of the Project. This will have both a mobile building type structure and shipping style containers for storage of materials, equipment, and personnel parking. A 23-foot by 34-foot concrete slab will be poured for the base of the O&M building. A prefabricated building will be delivered to the Project site and assembled onto the slab using power tools and lifts.

Temporary Work Areas and Laydown Yards: Two temporary work areas will be designated as laydown yards within 7.39 acres of the Project site. The main temporary work area located in the northwest portion of the Project site will be the primary parking, office area, rally point, and staging for materials and equipment to accommodate the onsite construction workforce.

An additional temporary work area will be located north of the new onsite substation for parking and staging materials and equipment for construction of the substation, telecommunications tower, and BESS. All materials, equipment and personnel will be brought onsite via personal vehicles, passenger vans, water trucks, fueling trucks, sanitation and service vehicles, work trucks and delivery trucks (18-wheelers, lowboys, flat-beds) and mobilized onsite using buggies, forklifts, dump trucks and work trucks.

The laydown yards will return to a condition suitable for native plant growth to return once construction is complete. The ground surface in these temporary laydown yards will be revegetated with a native seed mix or native plants and/or allowed to re-vegetate with the existing native seed bank.

Security Fencing: A seven feet tall non-electrified galvanized steel security fence will be constructed around the Project perimeter. Security fence will have modifications approved by CDFW to allow for wildlife passage.

Water Tank Installation: Three cylindrical galvanized coated corrugated steel water tanks will be installed onsite for emergency fire suppression. The tanks will sit on concrete rings constructed of rebar and concrete 18 inches deep from grade with a diameter specific to each tank. One tank will be no larger than 11 feet in height and 26 feet in width to hold 36,600 gallons of water. Two tanks will be no more than 8 feet in height and 18 feet in width to hold 12,400 gallons of water. Water will be piped in from a nearby canal utilizing a flexible water conveyance hose. The routes for the conveyance hose are outlined in yellow and blue in Figure 2.

Vegetation Control Plan: Post construction, implementation of a vegetation control plan to manage annual grassland fuels and heights within the Project site will occur. Mowing and/or utilization of sheep and/or goats may be used in the array areas reducing undesirable vegetation that may increase the likelihood of a grass fire.

Operations and Maintenance (O&M)

Solar PV facilities will operate remotely on a day-to-day basis via the telecom supervisory control and data acquisition system. Onsite O&M activities will be performed on average by four personnel.

Equipment needed to perform O&M activities include but are not limited to: work trucks, wire spool trucks, buggies, excavators, asphalt layer, road grinder, compactors, dump/haul trucks, rollers, drill seeders/hydroseeders, dump trucks, concrete pour trucks, delivery trucks (18-wheelers, lowboys, flat-beds), cranes, jack hammers, compressors, pile drivers, trenchers, graders/blades, skip loaders, mowers, water trucks, mobile water tanks and sprayers, weed eaters, herbicide sprayers, power tools, and hand tools.

Infrequent Repairs for Underground Facilities: Underground cable or other underground equipment faults will be repaired as needed and as determined by off-site monitoring when faults are detected. Repairs will involve excavation to locate and resolve the fault with the length and width of the trench excavation typically 6 feet long and 12 to 48 inches wide. Materials and equipment needed to perform these repairs include but are not limited to: excavators or trenchers for excavation, cable splicing kits, conduit, backfill material, and environmental protection fencing (e.g. silt fencing).

Vegetation Management and Fire Suppression: Following the vegetation control plan, vegetation density and height will be managed within and between PV arrays to reduce wildfire risk, to increase habitat value for San Joaquin kit fox, western burrowing owl, and giant kangaroo rat, and allow crews to access facilities for maintenance and repair. This will be performed quarterly and more frequently following years of heavier rainfall. Vegetation control will primarily consist of mowing or sheep grazing. Manual removal of vegetation using hand tools may be performed around sensitive equipment and fencing. Targeted herbicide applications may be performed to control invasive species.

Equipment needed for vegetation control include but are not limited to: mower, weed eater, grader/blade, herbicide sprayer, and hand tools.

Routine Maintenance and Repairs for PV, Inverters, Transformers, and BESS: Actions needed to perform routine maintenance and repairs, including response to abnormal operating conditions, will include:

- Visual inspections of PV modules, inverters, transformers, and BESS units
- Preventive maintenance schedules (e.g., torque checks, thermal imaging, firmware updates)
- Corrective maintenance for failed or degraded components

Equipment needed for these tasks may include but are not limited to: hand tools, multimeters, thermal cameras, torque wrenches.

Panel Washing: Periodic washing of panels within the arrays will be performed 1-3 times per year using 1 acre-foot of water depending on soiling rates and performance degradation. Equipment and materials needed to perform panel washing includes but is not limited to water, mobile water tanks, hoses, and soft-bristle brushes or panel-safe washing systems.

Kings Road Maintenance: Maintenance will be performed as needed that may involve road grinding, excavation, grading, compaction, asphalt pouring and layering, rolling, and resurfacing.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. San Joaquin kit fox (<i>Vulpes macrotis mutica</i> ; SJKF)	Threatened ⁴
2. Giant kangaroo rat (<i>Dipodomys ingens</i> ; GKR)	Endangered ⁵
3. Western burrowing owl (<i>Athene cunicularia hypugaea</i> ; BUOW)	Candidate ⁶

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

VI. Impacts of the Taking on Covered Species:

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

³ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

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

⁶The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as vehicle/equipment strikes due to increased Project-related traffic for site preparation and hauling of materials and spoils resulting of the loss of young, fledglings, or eggs due to abandonment of burrows/nests during grubbing, grading activities or construction that occur in close proximity to burrows/nests during the Covered Species reproductive/nesting season; crushing by heavy equipment, soil, or materials; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals; entombment of individuals during earthwork; and noise and ground vibration that could cause individuals to leave burrows at inappropriate times increasing stress, overheating, and exposure to predation.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so with entrapment of Covered Species into trenches or excavations, with corralling by installation of species exclusion fencing, with live trapping, when eggs or individuals are salvaged after parental nest abandonment has occurred, or implementation of other take minimization measures required by this ITP, or with burrow excavation, and with relocation or translocation of Covered Species. These direct impact activities may reduce the viability of eggs and/or survival of Covered Species or affect migrating individuals. These direct impacts may also affect the fitness of young raised near the Project due to reduced or disrupted foraging opportunities that reduce the ability of parents to acquire food for their dependent young. Ground-disturbing activities may result in a temporary reduction of prey species or vegetative forage for Covered Species and affect nesting success on the utility poles, trees, or burrow habitat, as applicable, near the Project.

Indirect impacts to the Covered Species from the Covered Activities include noise and vibration, fugitive dust, and increased human activity. Noise and vibration could cause physiological and/or behavioral disruptions that may interfere with breeding, result in nest abandonment, and a loss of fitness in dependent young resulting from interruptions to brooding and/or feeding schedules, due to impaired or interrupted foraging and nesting opportunities and because forage acquired further away from the nest is more energetically expensive for parents acquiring food for their dependent young.

The areas where authorized take of the Covered Species is expected to occur include the solar arrays, inverters, substations, collector lines, access road systems, energy storage systems, gen-tie poles, fencing perimeter, water conveyance routes and all constructed facilities within the solar array areas and the collector line corridors (collectively, the Project Area).

Incidental take of the Covered Species is expected throughout the entire 627-acre Project Area, resulting in permanent impacts by the Project. The Project Area is low quality non-native grassland habitat that was formerly in agricultural production and subject to periodic discing; it was also used as a spray field.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to

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temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These short-term and long-term indirect impacts include: stress resulting from noise and vibrations; increased exposure or stress from disorientation; stress resulting from capture, and relocation; introduction or spread of invasive species resulting in lower nutritional value for Covered Species; long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation and disease; on-going O&M-related noise and lighting; fugitive dust; changes in drainage patterns that favor different vegetative growth; loss of burrowing habitat used for shelter and reproduction; competition between displaced individuals into unsuitable areas or areas at carrying capacity interfering with denning, foraging, and reproduction.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Chalan Solar And Storage Final Environmental Impact Report (EIR) (SCH No.: # 2021100003) certified by Kern County on November 13, 2023. Kern County is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in any incidental take permit that will be issued for the Project pursuant to the Federal Endangered Species Act (ESA), unless those terms and conditions are less protective of the Covered Species or otherwise conflict with the conditions of this ITP. In those instances, the Conditions of Approval set forth in this ITP shall control.

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

5. General Provisions:

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

5.2. Designated Biologist(s), Designated Trapper(s)/Surveyor(s) and Designated Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist, Designated Trapper/Surveyor, Designated Monitor) and the requested species for that role. The qualifications/resume information shall be limited to verifiable experience specific to the requested species and shall include the name and contact information of a reference that can verify the stated experience. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) have received a copy of the ITP.

Permittee shall obtain CDFW approval of the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) must be changed. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the individual Covered Species, for which they are approved, and to minimize disturbance of that respective Covered Species' habitat.

5.2.1. Designated Biologist Qualifications: Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, protocol or other pre-project focused survey techniques, construction surveying and monitoring under an ITP, positive field identification, and exclusion techniques (e.g. camera monitoring of burrows, passive relocation) of the Covered Species as well as excavation

of burrows. Permittee shall also ensure that the Designated Biologist(s) approved to implement and supervise implementation of Conditions of Approval listed under **GKR Specific Take Minimization Measures** are knowledgeable and experienced in trapping, handling, and relocating GKR.

5.2.2. Designated Surveyor(s) Qualifications: Permittee may also use a Designated Surveyor(s) for SJKF and shall ensure that the Designated Surveyor(s) meets the criteria above for Designated Biologist(s) except for the burrow excavation experience.

5.2.3. Designated Trapper(s) Qualifications: Permittee may also use a Designated Trapper(s) for GKR and shall ensure that the Designated Trapper(s) meets the criteria above for Designated Biologist(s) except for the burrow excavation experience.

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

5.3. Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) is unable to comply with the ITP, then they shall notify CDFW in accordance with Condition of Approval CDFW Notification and Report Submittal. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) that includes a discussion of the biology and general behavior of the

Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, wildfire risk to Covered Species, Covered Species status' pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP.

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

- 5.5. Construction Monitoring Documentation. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.
- 5.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. Permittee shall not apply dust suppressant, surfactant, soil binder or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.

- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.
- 5.10. Project Access.** Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.11. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area of this ITP unless provided for as described in the Condition of Approval Project Access.
- 5.12. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.

Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval SJKF Den Avoidance, GKR Burrow Avoidance, and BUOW Burrow Avoidance, unless approved in advance and in writing by CDFW.

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- 5.13. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.14. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.15. Lighting.** Permittee shall ensure all temporary and permanent outdoor lighting is aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.
- 5.16. Pesticide Use and Prohibition.** Permittee shall not use pesticides including but not limited to rodenticides, herbicides, and insecticides on the Project Area without prior written approval from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before any pesticide use.
- 5.17. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing. CDFW may approve on a case-by-case basis, the use of herding dogs for the purpose of sheep grazing for post construction vegetation maintenance, or other similar need, when the dogs are under the direction supervision of the handler. The use of guardian dogs will not be approved.
- 5.18. Firearm Prohibition.** Construction personnel shall not be permitted to bring firearms into the Project Area.
- 5.19. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding fire hazards to wildlife as part of the Condition of Approval Education Program.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Construction Phase Covered Activities and O&M Phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting work in either phase.
- 6.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 6.3. Compliance Monitoring.** The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. At least one Designated Biologist or Designated Trapper/Surveyor for each Covered Species shall be on-site daily for the duration of each day that vegetation- and ground-disturbing Covered Activities occur. The Designated Biologist(s) shall be on-site for the duration of any vegetation or ground disturbing, non-emergency Covered Activities that are performed at night. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, panel washing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a ground- or vegetation-disturbing activity. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor shall conduct compliance inspections at least monthly during periods of inactivity in both the Construction Phase and O&M Phase and after clearing, grubbing, and grading are completed for the entire Project Area. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;

- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones;
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area;
- (6) Document the Covered Activities that occurred.

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

6.5. Quarterly Compliance Report (Construction Phase). The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring into a Quarterly Compliance Report during the Construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per the Condition of Approval CDFW Notification and Report Submittal no later than the 15th day of the month following the reporting period. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

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

- (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the Construction Phase;
- (2) a record of the Education Program training sessions provided over the Reporting Period;

(3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period;

(4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;

(5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their den or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented;

(6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts;

(7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; and

(8) (Only during the Construction phase) a written and mapped accounting of the number of acres subject to disturbance, both for the Reporting Period, and a total since ITP issuance.

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

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

- During the Construction phase, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation.
- During the O&M phase, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall include copies of the submitted forms with the next Annual Status Report.

6.9. Vegetation Control Plan. No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittee shall submit a vegetation control plan to CDFW for review and approval. The vegetation control plan shall describe management strategies for vegetation control through mowing and/or sheep and/or goat grazing. Strategies will target

reducing wildfire risk and optimal Covered Species vegetation height and densities to the extent practicable to maximize the potential for any residual habitat value for Covered Species within the Project Area during the O&M phase.

6.10. As-Built Development Plans. No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittee shall submit as-built development plans following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed.

6.11. Construction Phase Conditions of Approval Evaluation Report. No later than 45 days after completion of all construction activities for the solar array development area and access road, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in Condition of Approval CDFW Notification and Report Submittal.

The Construction Phase Conditions of Approval Evaluation Report which shall include, at a minimum:

- (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports;
- (2) beginning and ending dates of Covered Activities for the Construction Phase;
- (3) a copy of the table in the MMRP with notes showing when each of the Construction Phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species;
- (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and
- (5) any other pertinent information.

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

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

- (1) a summary of all Annual Status Reports;
- (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented;
- (3) all available information about Project-related incidental take of the Covered Species;
- (4) information about other Project impacts on the Covered Species;
- (5) beginning and ending dates of Covered Activities;
- (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species;
- (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and
- (8) any other pertinent information.

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

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

7. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities in both the Construction Phase and the O&M Phase. Permittee shall also implement and adhere to

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the following conditions to minimize take of Covered Species during both the Construction and O&M Phases unless otherwise specified:

Construction Phase Covered Activities Take Minimization Measures

- 7.1. Designated Biologist(s) On Site.** The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall be on site during all ground- or vegetation disturbing Covered Activities in accordance with Condition of Approval Compliance Monitoring.
- 7.2. Work Hours.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:
- (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized;
 - (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention;
 - (3) security patrols,
 - (4) refueling equipment and staging of materials and equipment , and
 - (5) concrete pouring.
- Permittee shall ensure:(1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species;
- (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and
- (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.
- 7.3. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or nest burrows except within designated staging areas for which dens or burrows have been excavated per the Conditions of Approval SJKF Den Excavation, GKR Burrow Excavation, and/or BUOW Burrow Excavation. Vehicles left overnight shall be located outside of the applicable avoidance distances defined in Conditions of Approval SJKF Den Avoidance, GKR Burrow Avoidance, and BUOW Burrow Avoidance.
- 7.4. Vehicle Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) or Designated

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Trapper(s)/Surveyor(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may move Covered Species out of harm's way in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan, or BUOW Mortality Reduction Plan, as applicable.

7.5. Pipe and Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of two inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may move Covered Species out of harm's way in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan, or BUOW Mortality Reduction Plan, as applicable.

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

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

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

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

- 7.7. Permanent Security Fencing Plan.** Permittee shall submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative and Regional Office identified in Condition of Approval CDFW Notification and Report Submittal.

The Permanent Security Fencing Plan shall include but not be limited to: the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel "blocks" and the Project Area as a whole (excluding the O&M building(s) and substation(s)) shall be modified to allow for Covered Species permeability following the Construction Phase by leaving a 4 to 6-inch gap from the ground to the bottom of the fence, or other design approved by CDFW. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.

- 7.8. On-Site Drainage Basin Entrapment Prevention.** Permittee shall ensure that final design of the on-site stormwater drainage basins have adequate elements to ensure that Covered Species can escape should one inadvertently enter the basin or elements designed to preclude entry. Permittee shall submit a Basin Design Plan with elements necessary for Covered Species escape and/or entry prevention for review and approval by CDFW prior to implementation of Covered Activities related to basin construction and/or installation.

- 7.9. Covered Species Observations.** All workers shall inform the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord. The Designated Biologist(s) or Designated

Trapper(s)/Surveyor(s) may move Covered Species out of harm's way outside of the Project Area and in compliance with the CDFW-approved GKR Mortality Reduction and Relocation Plan or BUOW Mortality Reduction Plan, as applicable.

- 7.10. Covered Species Injury.** If any Covered Species life stage (including eggs) is injured or found deceased within the vicinity of the Project Area, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities and include as applicable in the GKR Mortality Reduction and Relocation Plan and BUOW Mortality Reduction Plan. 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 as described in Condition of Approval Notification of Take of Injury. If a Covered Species is found deceased, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted or follow any approved storage or transport methods as approved in the GKR Mortality Reduction and Relocation Plan and BUOW Mortality Reduction Plan as applicable.
- 7.11. Covered Species Buffer Reduction.** The buffers prescribed in the below Conditions of Approval SJKF Den Avoidance, GKR Burrow Avoidance, and BUOW Burrow Avoidance shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect the Covered Species using known dens or burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the den or burrow, or if additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.) will be performed, then the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.
- 7.12. SJKF Specific Take Minimization Measures:**
- 7.12.1. SJKF Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities in each work area or phase, the Designated Biologist(s) or Designated Surveyor(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens using and shall identify, flag, and map all such dens. Surveys shall include the entire Project Area or discreet Work Area and 500 feet (where feasible) beyond the limits of the Project Area or discreet Work Area(s), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist

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identifies any potential, known, and/or natal SJKF dens, the den(s) shall be monitored following the Conditions of Approval SJKF Den Blockage and SJKF Den Excavation unless avoided per Condition of Approval SJKF Den Avoidance. Permittee shall provide the pre-construction survey results in a written report in accordance with Condition of Approval CDFW Notification and Report Submittal at least five (5) calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date and time of the survey(s), results, and location map and discussion of each potential, known, and/or natal SJKF den identified.

7.12.2. SJKF Den Avoidance. The Permittee shall notify CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area or discreet Work Area(s) in accordance with the Condition of Approval CDFW Notification and Report Submittal. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:

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

If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval Covered Species Buffer Reduction, SJKF Den Blockage, SJKF Den Excavation, and SJKF Den Replacement Plan as applicable. Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity. Increased no-disturbance buffers will be determined by the Designated Biologist(s) or Designated Surveyor(s) based on their behavioral observations of the affected individuals.

7.12.3. SJKF Den Blockage. The Permittee may block rather than destroy any den located within the buffer distances prescribed by the Condition of Approval SJKF Den

Avoidance, but outside the discrete ground-disturbing Work Area(s) within the Project Area. Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) or Designated Surveyor(s) has conducted four (4) consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.

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

- Potential SJKF den: A potential den may be independently excavated by a Designated Surveyor(s), or by a Designated Monitor(s) under the direct supervision of a Designated Surveyor(s), only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, “keyhole shape” burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF.
- Known SJKF den: A known SJKF den may be excavated by the Designated Biologist(s) immediately after the Designated Biologist(s) or Designated Surveyor(s) has conducted four (4) consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF are not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities.

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

If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking medium or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be resumed and completed when, in the judgment of the Designated Biologist(s), the individual has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from both agencies prior to proceeding with den excavation. An established SJKF den no-disturbance buffer may be removed once a den has been fully excavated.

- 7.12.5. SJKF Den Replacement Plan. Permittee shall replace each known and active SJKF den (as defined in Condition of Approval SJKF Den Avoidance) that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Permittee shall submit a SJKF Den Replacement Plan prepared by an approved SJKF Designated Biologist to CDFW no more than 120 calendar days after starting Covered Activities. The SJKF Den Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial den replacement locations; 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); artificial den installation methods; and timing of SJKF den installation/construction.

Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. 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.

7.13. GKR Specific Take Minimization Measures:

- 7.13.1. GKR Mortality Reduction and Relocation Plan. Permittee shall submit a GKR Mortality Reduction and Relocation Plan prepared by an approved GKR Designated Biologist for CDFW review before starting Covered Activities. Burrow excavation shall not proceed until the GKR Mortality Reduction and Relocation Plan has been approved in writing by

CDFW. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); plans for tracking spatial burrow locations and neighbor-to-neighbor configurations for intended release in identical neighbor-to-neighbor configurations; artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist(s) or Designated Trapper(s) is authorized to capture, handle, and relocate GKR.

Once the GKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all GKR mortality reduction activities for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.

7.13.2. GKR Pre-Construction Surveys and Reporting. No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) or Designated Trapper(s) shall conduct pre-construction surveys in the Project Area or Work Area(s) and 50 feet beyond the limits of the Project Area or Work Area(s) (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential GKR burrows and precincts. Permittee shall provide the results in a GKR Burrow Map and written report to CDFW's Regional Representative within five calendar days after survey completion. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential GKR burrow and/or precinct, distances of burrow or precincts to Project Work Areas, and the dates when GKR trapping and relocation will occur as described in Condition of Approval GKR Live Trapping and Relocation.

7.13.3. GKR Burrow Avoidance. The Designated Biologist(s) or Designated Trapper(s) shall establish a no-disturbance buffer at least 50 feet around known or suspected GKR burrows and/or precincts that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing (if warranted), live trapping, relocation, and burrow excavation shall occur in accordance with the below Conditions of Approval GKR Live Trapping and Relocation and GKR Burrow Excavation. A buffer reduction request may be submitted to CDFW to allow for retaining burrows or precincts that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to GKR post construction in accordance with Condition of Approval Covered Species Buffer Reduction.

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7.13.4. GKR Live Trapping and Relocation. Any potential GKR burrows that cannot be avoided per Condition of Approval GKR Burrow Avoidance shall be live trapped for at least four (4) consecutive nights by the Designated Biologist(s) or Designated Trapper(s) prior to commencing ground- or vegetation-disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) or Designated Trapper(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) or Designated Trapper(s) shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist(s) or Designated Trapper(s) shall close all traps for GKR during the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of precipitation that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist(s) or Designated Trapper(s) shall close all traps for GKR if the air temperature exceeds 99 degrees Fahrenheit during the trapping period. If the air temperature is predicted to drop below 50 degrees Fahrenheit, traps shall be checked every two (2) hours during the trapping period and extra seed shall be included in each trap. The Designated Biologist(s) or Designated Trapper(s) shall place natural batting (e.g. unbleached paper towels) for insulation into each trap and shall replace with new material as needed during each trap check to ensure insulation material is dry and present for the duration of each trap night. The Designated Biologist(s) or Designated Trapper(s) shall cease trapping if captured animals are found to be lethargic or otherwise are showing signs of a decrease in body temperature.

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

7.13.5. GKR Burrow Excavation. Immediately following live trapping activities conducted to address burrows that cannot be avoided in accordance with the Condition of Approval

GKR Burrow Avoidance and prior to beginning ground disturbing Covered Activities within the Project Area or Work Area(s), the Designated Biologist(s), or an approved Designated Trapper(s) or Designated Monitor under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any known or suspected GKR burrows and/or precincts that will be impacted by ground disturbing Covered Activities, according to the approved GKR Mortality Reduction and Relocation Plan. Any Covered Species encountered during burrow excavation shall be relocated according to the approved GKR Mortality Reduction and Relocation Plan to the CDFW-approved release site(s). All burrow excavation shall be completed within 72 hours of the conclusion of live trapping. Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR.

- 7.13.6. Protection of GKR Food Stores. Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan, Permittee shall not disturb any GKR food stores including but not limited to: haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) or Designated Trapper(s) 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), covering the seeds temporarily with plywood to allow temporary vehicle or foot traffic access, or implementing other measures developed in consultation with CDFW.

7.14. BUOW Specific Take Minimization Measures:

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

Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any

proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

- 7.14.2. BUOW Artificial Burrow Replacement Plan. Permittee shall replace each known BUOW burrow (as defined in the Condition of Approval BUOW Burrow Avoidance) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Artificial Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW no more than 120 calendar days after starting Covered Activities. The BUOW Artificial Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances, etc.); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.

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

- 7.14.3. BUOW Pre-Construction Surveys and Reporting. The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known, and/or nesting BUOW burrows (as defined in the Condition of Approval BUOW Burrow Avoidance) within 30 calendar days prior to beginning Covered Activities in the Project Area or discreet Work Area(s). Surveys shall include the Project Area or discreet Work Area(s) and 500 feet (where feasible) beyond the limits of the Project Area or discreet Work Area(s), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any known, or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval BUOW Burrow Blockage and BUOW Burrow Excavation, unless avoided per the Condition of Approval BUOW Burrow Avoidance. Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval Burrow Map) in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each distinct Work Area(s). The report

shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).

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

7.14.5. BUOW Burrow Avoidance. The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:

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

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

7.14.6. BUOW Burrow Blockage. Where CDFW has approved a buffer reduction, the Permittee may block rather than destroy any known BUOW burrow located within the buffer distances prescribed by the Condition of Approval BUOW Burrow Avoidance, but outside the discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has surveyed in accordance with Condition of Approval BUOW Burrow Avoidance. BUOW nest burrows shall not be blocked until the checks and adults have vacated the burrow and then only after biological and wildlife camera monitoring confirm that the chicks have fledged, and are no longer dependent on the nest, and then only after written concurrence from CDFW. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist or Designated Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW regains access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.

7.14.7. BUOW Burrow Excavation. The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Conditions of Approval BUOW Burrow Avoidance and Covered Species Buffer Reduction and that are within the Project Area or Work Area(s). Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area or discrete Work Area(s).

- Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after four (4) consecutive 24-hour periods of wildlife camera monitoring. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside.

- BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and then only after written concurrence from CDFW.

An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and the BUOW(s) is/are no longer using the burrow.

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

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

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

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

7.18.O&M Covered Activities Vehicle Parking. During all O&M Covered Activities, Permittee shall not allow vehicles to park on top of potential Covered Species dens, burrows, or nest burrows. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval SJKF Den Avoidance, GKR Burrow Avoidance, and BUOW Burrow Avoidance.

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

7.20.O&M Phase Permanent Security Fence Inspection. During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other

materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the Permanent Security Fencing Plan.

- 7.21. O&M Covered Activities Pipes and Materials Inspection.** Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. Workers 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, the Designated Biologist shall be contacted, and that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.
- 7.22. O&M Covered Activities Covered Species Observations.** During all O&M Covered Activities within the Project Area, workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord.
- 7.23. O&M Covered Activities SJKF Den Avoidance.** Unless otherwise approved in writing by CDFW in accordance with Condition of Approval Covered Species Buffer Reduction, if a potential or atypical SJKF den (any subterranean hole, three inches or larger), is located within or near proposed O&M work, SJKF den avoidance shall occur in accordance with Condition of Approval SJKF Den Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval SJKF Den Blockage or SJKF Den Excavation, and SJKF Den Replacement Plan as appropriate.
- 7.24. O&M Covered Activities GKR Burrow Avoidance.** Unless otherwise approved in writing by CDFW in accordance with Condition of Approval Covered Species Buffer Reduction, if a known or suspected GKR burrows and/or precincts are located within or near proposed O&M work, GKR burrow avoidance shall occur in accordance with Condition of Approval GKR Burrow Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval GKR Live Trapping and Relocation and GKR Burrow Excavation as appropriate.
- 7.25. O&M Covered Activities BUOW Burrow Avoidance.** Unless otherwise approved in writing by CDFW in accordance with Condition of Approval Covered Species Buffer Reduction, if a

known, or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval BUOW Burrow Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval BUOW Burrow Blockage, BUOW Excavation, BUOW Burrow Mortality Reduction Plan, and BUOW Artificial Burrow Replacement Plan as appropriate.

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

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

To meet this requirement, the Permittee shall provide for both the permanent protection and management of a specific 260-acre area of Habitat Management (HM) lands (See Figure 3) pursuant to the Condition of Approval Habitat Management Lands Acquisition and Protection and the calculation and deposit of the management funds pursuant to the Condition of Approval Endowment Fund.

CDFW has conceptually approved of the appropriateness of 260 acres of HM lands on a portion of a 640-acre parcel (hereafter "mitigation parcel") as suitable to meet the HM Lands requirement of this ITP. The mitigation parcel has high quality, functionally suitable habitat for the Covered Species and is located adjacent to other lands currently being considered for permanent protection. Prior to final approval of HM lands, CDFW shall review the information submitted as described in the Condition of Approval HM Lands Documentation. Should conservation of the Proposed HM Lands be infeasible, Permittee shall ensure that an alternative 260 acres (not including roads, utility easements, etc.) of HM Lands are provided which are comparable or better in habitat quality than the specific lands depicted in Figure 3, including being occupied by the

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Covered Species, contributing to habitat connectivity, and situated adjacent to other conserved habitat lands.

The permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to the Condition of Approval Security, for all uncompleted obligations.

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

- Land acquisition costs for HM lands identified in the Condition of Approval Habitat Management Lands Acquisition and Protection below, estimated at \$2,803/acre for 260 acres: **\$728,780**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements.
- All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Condition of Approval Conservation Easement below: **\$443,600**.
- Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Condition of Approval Start-up Activities below, estimated at **\$178,517**.
- Interim management period funding as described in the Condition of Approval Interim Management (Initial and Capital) below, estimated at **\$226,360**.
- Long-term management funding as described in the Condition of Approval Endowment Fund below, estimated at **\$1,322,597**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Condition of Approval Reimburse CDFW, estimated at **\$13,600**.
- All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$45,479**.

8.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 260 acres of Covered Species credits (if stacked credits available for all three Covered Species) from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this ITP if Security is provided pursuant to the Condition of Approval Security below. If credits are not stacked (e.g. credits for all three Covered Species are not available at an individual bank) then Permittee shall purchase 260 acres separately for each species, for up to 780 Covered Species credits if all purchased credits only count for one Covered Species. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.

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

8.3.1. **Fee Title.** Designate an entity for CDFW authorization to hold title to and manage the property and provide documentation to ensure the entity meets the requirements of meets the requirements of Government Code sections 65965-65968, as amended. CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.

8.3.2. **Conservation Easement.** Designate an entity approved in writing by CDFW to act as grantee for a conservation easement over the HM lands and provide documentation ensuring the proposed entity meets the requirements of Civil Code section 815.3. CDFW 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. CDFW shall be expressly named in the conservation easement as a third-party beneficiary.

The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no

circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

- 8.3.3. 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. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.3.4. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.
- 8.3.5. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207700&inline>). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW.
- 8.3.6. Management Plan. Submit for CDFW approval a long-term management plan (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) prior to acquisition and/or transfer of the HM lands. This document shall identify the CDFW approved interim and long-term Land Managers and Conservation Easement grantee, the responsibilities for each party, and procedure for transfer of these responsibilities to ensure that the lands are managed in perpetuity for the benefit of the Covered Species.
- 8.3.7. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) establishing initial fencing; (3) conducting litter removal; and (4) installing signage.
- 8.3.8. 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

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funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

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

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

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

Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a

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

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

8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

8.4.2.1. 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.

8.4.2.2. 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:

8.4.2.2.1. 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.

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

8.4.2.2.3. 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.

8.4.3. 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.

8.4.4. 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.

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

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

9.2. Security Amount. The Security shall be in the amount of **\$2,958,933** or in the amount identified in the Condition of Approval Cost Estimates specific to the obligation that has not

been completed. This amount is determined by CDFW based on the cost estimates sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

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

Credit Purchase

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

Habitat Management Land Acquisition

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

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

IX. Amendment:

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

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

Original cover with attachment(s) to:

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

and a copy to:

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

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

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

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Chalan Solar And Storage Final EIR (SCH No.: 2021100003) certified by Kern County on November 13, 2023. At the time the lead agency certified the EIR and approved the Project, they also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XIV. Findings Pursuant to CESA:

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

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

- (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 of an area providing substantially greater suitable habitat that abuts land currently in-process of being similarly conserved; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 260 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;


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

XV. Attachments:

FIGURE 1	Map of Project Area and Vicinity
FIGURE 2	Detailed Map of the Project Area and Project Components
FIGURE 3	Proposed HM Lands Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 7/3/2025

DocuSigned by:

 FA83F09FE08945A...

Julie A. Vance, Regional Manager
 Central Region

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FIGURE 1

Map of Project Area and Vicinity

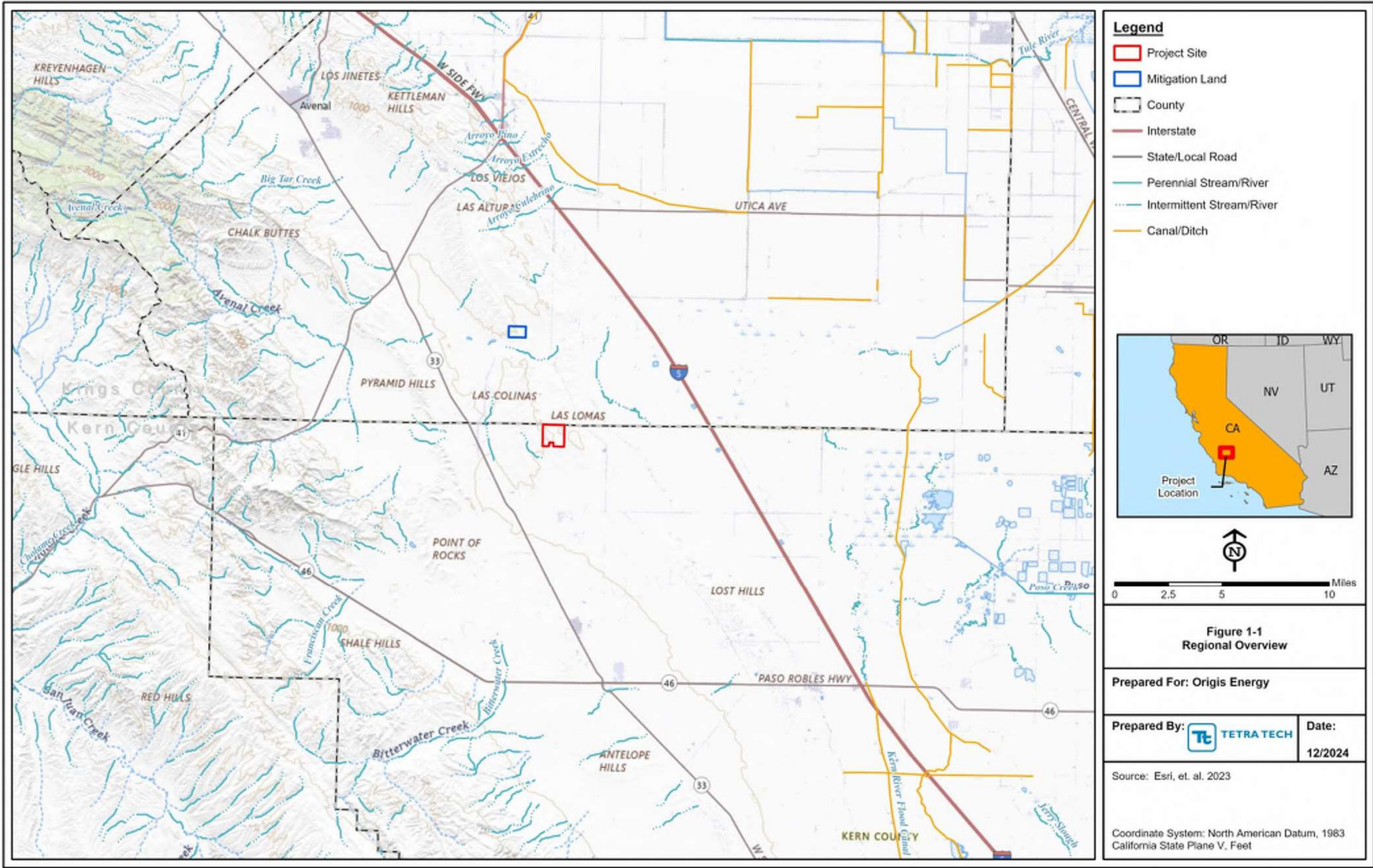


FIGURE 2

Detailed Map of the Project Area and Project Components

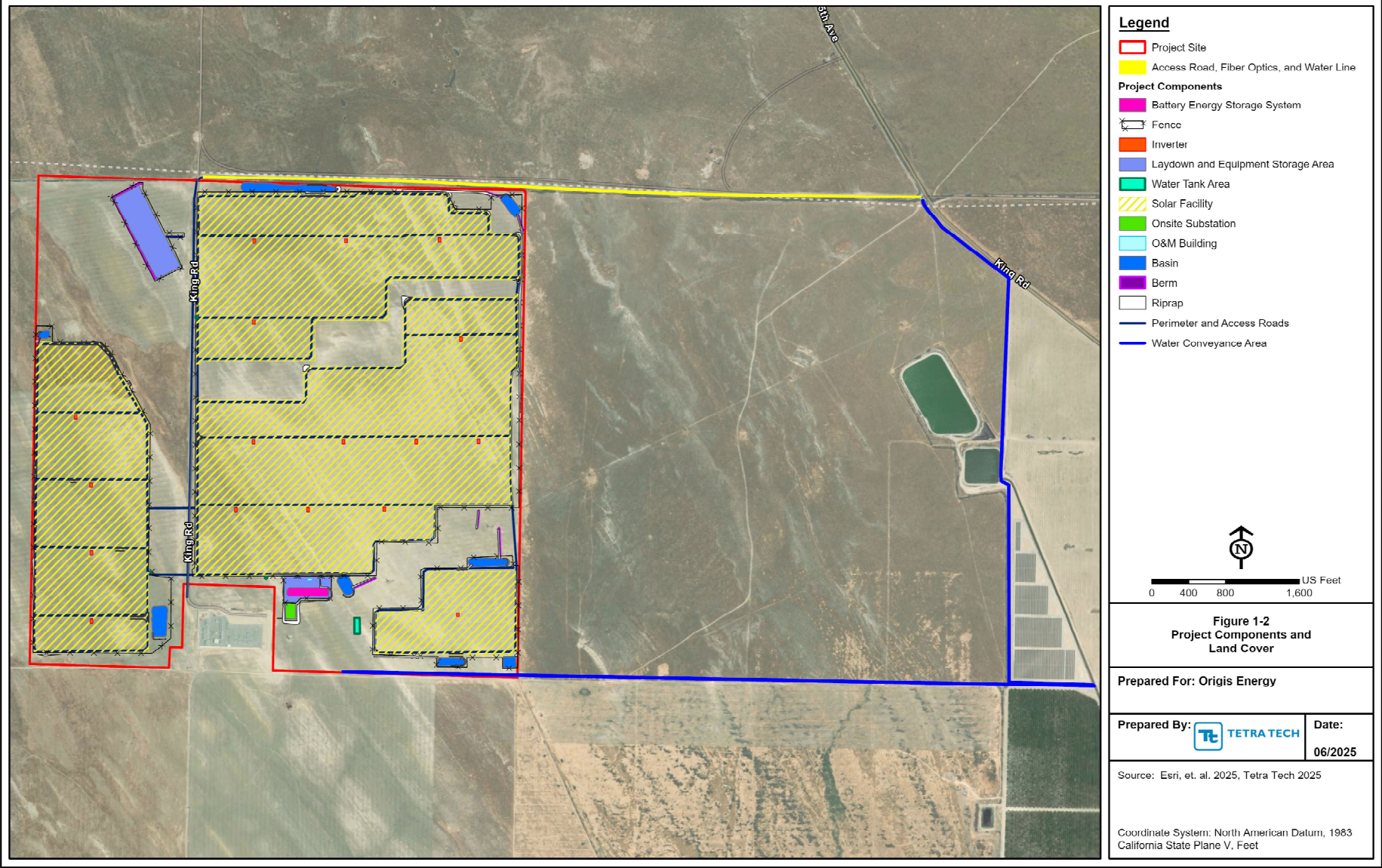
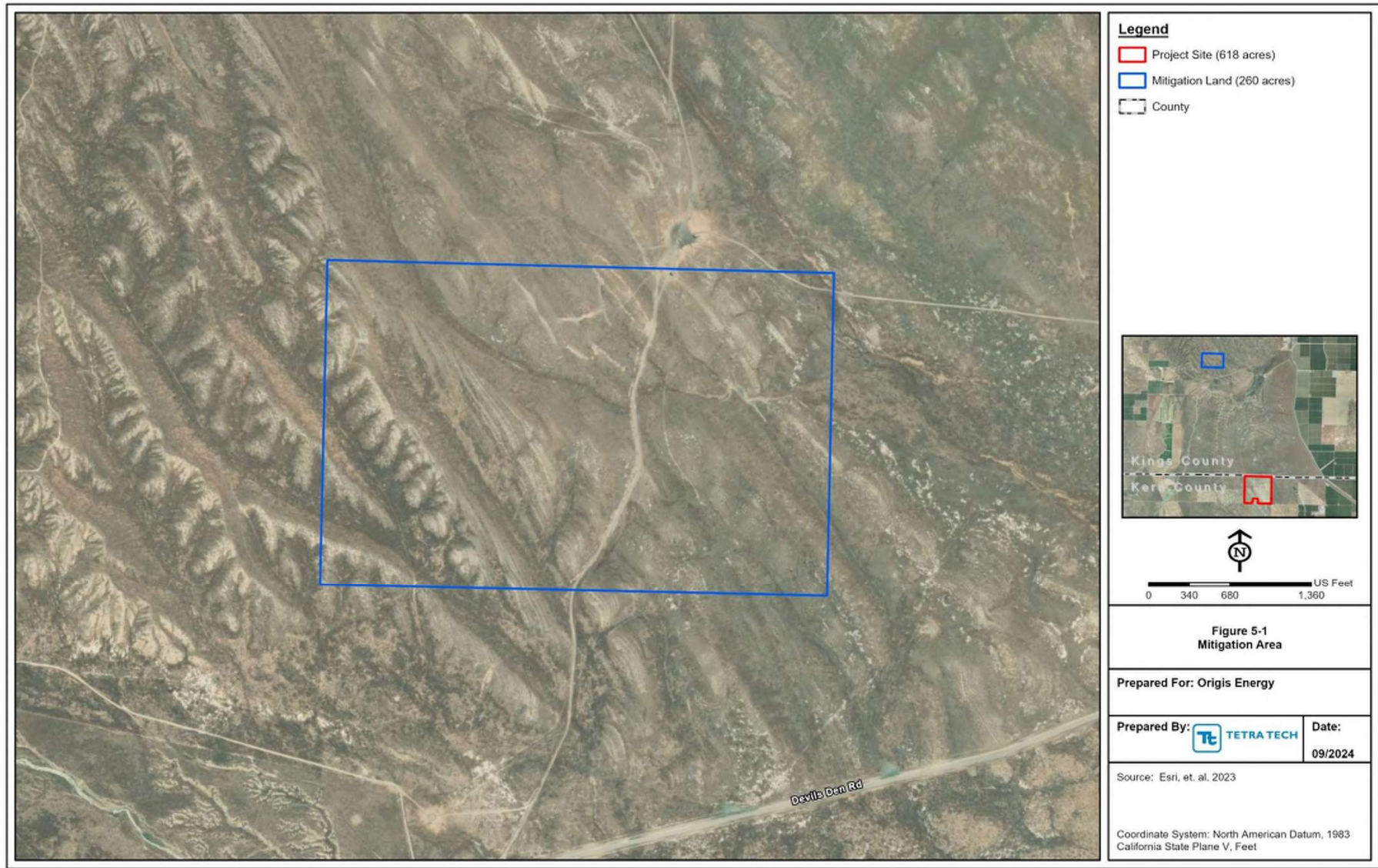


FIGURE 3

Proposed HM Lands Map



ATTACHMENT 1

Mitigation Monitoring and Reporting Program

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2024-057-04

PERMITTEE: Chalan CA Solar Storage, LLC

PROJECT: Chalan Solar and Storage Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
	<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 # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
	<u>Designated Biologist(s), Designated Trapper(s)/Surveyor(s) and Designated Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist, Designated Trapper/Surveyor, Designated Monitor) and the requested species for that role. The qualifications/resume information shall be limited to verifiable experience specific to the requested species and shall include the name and contact information of a reference that can verify the stated experience. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) have received a copy of the ITP. Permittee shall obtain CDFW approval of the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) must be changed. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the individual Covered Species, for which they are approved, and to minimize disturbance of that respective Covered Species' habitat.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Designated Biologist Qualifications</u> : Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, protocol or other pre-project focused survey techniques, construction surveying and monitoring under an ITP, positive field identification, and exclusion techniques (e.g. camera monitoring of burrows, passive relocation) of the Covered Species as well as excavation of burrows. Permittee shall also ensure that the Designated Biologist(s) approved to implement and supervise implementation of Conditions of Approval listed under GKR Specific Take Minimization Measures are knowledgeable and experienced in trapping, handling, and relocating GKR.	ITP Condition # 5.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Designated Surveyor(s) Qualifications</u> : Permittee may also use a Designated Surveyor(s) for SJKF and shall ensure that the Designated Surveyor(s) meets the criteria above for Designated Biologist(s) except for the burrow excavation experience.	ITP Condition # 5.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Designated Trapper(s) Qualifications:</u> Permittee may also use a Designated Trapper(s) for GKR and shall ensure that the Designated Trapper(s) meets the criteria above for Designated Biologist(s) except for the burrow excavation experience.	ITP Condition # 5.2.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Designated Monitor Qualifications:</u> Permittee shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, and construction monitoring of the specific Covered Species for that being requested. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).	ITP Condition # 5.2.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, wildfire risk to Covered Species, Covered Species status' pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
	<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(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u> . Permittee shall not apply dust suppressant, surfactant, soil binder or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.	ITP Condition # 5.9	Entire Project	Permittee	
	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW before starting Construction Phase Covered Activities and O&M Phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting work in either phase.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p>Habitat Management Land Acquisition: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall provide for both the permanent protection and management of a specific 260-acre area of Habitat Management (HM) lands (See Figure 3) pursuant to the Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> and the calculation and deposit of the management funds pursuant to the Condition of Approval <u>Endowment Fund</u>.</p> <p>CDFW has conceptually approved of the appropriateness of 260 acres of HM lands on a portion of a 640-acre parcel (hereafter "mitigation parcel") as suitable to meet the HM Lands requirement of this ITP. The mitigation parcel has high quality, functionally suitable habitat for the Covered Species and is located adjacent to other lands currently being considered for permanent protection. Prior to final approval of HM lands, CDFW shall review the information submitted as described in the Condition of Approval <u>HM Lands Documentation</u>. Should conservation of the Proposed HM Lands be infeasible, Permittee shall ensure that an alternative 260 acres (not including roads, utility easements, etc.) of HM Lands are provided which are comparable or better in habitat quality than the specific lands depicted in Figure 3, including being occupied by the Covered Species, contributing to habitat connectivity, and situated adjacent to other conserved habitat lands.</p> <p>The permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to the Condition of Approval <u>Security</u>, for all uncompleted obligations.</p> <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>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<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> <ul style="list-style-type: none"> Land acquisition costs for HM lands identified in the Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> below, estimated at \$2,803/acre for 260 acres: \$728,780. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Condition of Approval <u>Conservation Easement</u> below: \$443,600. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Condition of Approval <u>Start-up Activities</u> below, estimated at \$178,517. Interim management period funding as described in the Condition of Approval <u>Interim Management (Initial and Capital)</u> below, estimated at \$226,360. Long-term management funding as described in the Condition of Approval <u>Endowment Fund</u> below, estimated at \$1,322,597. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Condition of Approval <u>Reimburse CDFW</u>, estimated at \$13,600. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$45,479. 	ITP Condition #8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Covered Species Credits.</u> If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 260 acres of Covered Species credits (if stacked credits available for all three Covered Species) from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this ITP if Security is provided pursuant to the Condition of Approval <u>Security</u> below. If credits are not stacked (e.g. credits for all three Covered Species are not available at an individual bank) then Permittee shall purchase 260 acres separately for each species, for up to 780 Covered Species credits if all purchased credits only count for one Covered Species. Prior to purchase of Covered o Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.	ITP Condition #8.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>Habitat Management Lands Acquisition and Protection.</u> If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:	ITP Condition #8.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>Fee Title.</u> Designate an entity for CDFW authorization to hold title to and manage the property and provide documentation to ensure the entity meets the requirements of meets the requirements of Government Code sections 65965-65968, as amended. 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.	ITP Condition #8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>Conservation Easement.</u> Designate an entity approved in writing by CDFW to act as grantee for a conservation easement over the HM lands and provide documentation ensuring the proposed entity meets the requirements of Civil Code section 815.3. CDFW 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. 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 #8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<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. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. 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 #8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<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 #8.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207700&inline). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW.	ITP Condition #8.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>Management Plan</u> . Submit for CDFW approval a long-term management plan (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline) prior to acquisition and/or transfer of the HM lands. This document shall identify the CDFW approved interim and long-term Land Managers and Conservation Easement grantee, the responsibilities for each party, and procedure for transfer of these responsibilities to ensure that the lands are managed in perpetuity for the benefit of the Covered Species.	ITP Condition #8.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) establishing initial fencing; (3) conducting litter removal; and (4) installing signage.	ITP Condition #8.3.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<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.</p> <p>Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	ITP Condition #8.3.8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<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 the Condition of Approval <u>Management Plan</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 #8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	ITP Conditions #8.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p>	ITP Conditions #8.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<p><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.</p>	ITP Conditions #8.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<p><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:</p>	ITP Conditions #8.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<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.	ITP Conditions #8.4.2.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<u>Three Years Delayed Spending</u> . The endowment shall be established assuming spending will not occur for the first three years after full funding.	ITP Conditions #8.4.2.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<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 Conditions #8.4.2.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<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 Conditions #8.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>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.</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 Conditions #8.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<p>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.</p>	ITP Conditions #8.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
	<p>Security: The Permittee may proceed with Covered Activities only after the Permittee have ensured funding (Security) to complete any activity required by the Condition of Approval <u>Habitat Management Land Acquisition</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows...</p> <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 24 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Conditions #9	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p>Security Amount. The Security shall be in the amount of \$2,958,933 or in the amount identified in the Condition of Approval <u>Cost Estimates</u> specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p>	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<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.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Security Timeline</u> . The Security shall be provided to CDFW before starting Covered Activities within previously established avoidance buffers or within 90 days after the effective date of this ITP, whichever occurs first.	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Security Holder</u> . The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition # 9.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Security Transmittal</u> . Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.	ITP Condition # 9.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Security Drawing</u> . The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee have failed to comply with the Conditions of Approval of this ITP.	ITP Condition # 9.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Security Release</u> . The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by either: Credit Purchase <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. Habitat Management Land Acquisition <ul style="list-style-type: none"> • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; and • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment. 	ITP Condition # 9.7	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION AND OPERATIONS AND MAINTENANCE					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Compliance Monitoring.</u> The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. At least one Designated Biologist or Designated Trapper/Surveyor for each Covered Species shall be on-site daily for the duration of each day that vegetation- and ground-disturbing Covered Activities occur. The Designated Biologist(s) shall be on-site for the duration of any vegetation or ground disturbing, non-emergency Covered Activities that are performed at night. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, panel washing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a ground- or vegetation-disturbing activity. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor shall conduct compliance inspections at least monthly during periods of inactivity in both the Construction Phase and O&M Phase and after clearing, grubbing, and grading are completed for the entire Project Area. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p> <p>The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; (6) Document the Covered Activities that occurred. 	ITP Condition # 6.3	Entire Project	Permittee	
	<p><u>CDFW Notification and Report Submittal.</u> All Notifications and Reports required by this ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's issuance, the CDFW Regional Representative is Alya Wakeman-Hill (Alya.Wakeman-Hill@wildlife.ca.gov), Regional Office (RRR.R4@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov. If requested, hard copies may be mailed to the CDFW offices listed in the Notices section of this ITP.</p>	ITP Condition # 6.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Quarterly Compliance Report (Construction Phase)</u>. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval <u>Compliance Monitoring</u> into a Quarterly Compliance Report during the Construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per the Condition of Approval <u>CDFW Notification and Report Submittal</u> no later than the 15th day of the month following the reporting period. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.</p>	ITP Condition # 6.5	Entire Project	Permittee	
	<p><u>Annual Status Report (Construction Phase and O&M Phase)</u>. Permittee shall provide CDFW with an Annual Status Report during the Construction phase and O&M phase no later than January 31 of every year, for the previous calendar year (Reporting Period), beginning with issuance of this ITP and continuing until CDFW accepts the <u>Final Mitigation Report</u> identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. Each Annual Status Report shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the Construction Phase; (2) a record of the Education Program training sessions provided over the Reporting Period; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their den or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; and (8) (Only during the Construction phase) a written and mapped accounting of the number of acres subject to disturbance, both for the Reporting Period, and a total since ITP issuance. 	ITP Condition # 6.6	Entire Project	Permittee	
	<p><u>Emergency Nightwork</u>. Permittees shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the <u>Annual Status Report</u>.</p>	ITP Condition # 6.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>CNDDDB Observations.</u> The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.</p> <ul style="list-style-type: none"> During the Construction phase, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall include copies of the submitted forms with the next <u>Quarterly Compliance Report</u> or <u>Annual Status Report</u>, whichever is submitted first relative to the observation. During the O&M phase, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall include copies of the submitted forms with the next <u>Annual Status Report</u>. 	ITP Condition # 6.8	Entire Project	Permittee	
	<p><u>Vegetation Control Plan.</u> No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittee shall submit a vegetation control plan to CDFW for review and approval. The vegetation control plan shall describe management strategies for vegetation control through mowing and/or sheep and/or goat grazing. Strategies will target reducing wildfire risk and optimal Covered Species vegetation height and densities to the extent practicable to maximize the potential for any residual habitat value for Covered Species within the Project Area during the O&M phase.</p>	ITP Condition # 6.9	Entire Project	Permittee	
	<p><u>As-Built Development Plans.</u> No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittee shall submit as-built development plans following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed.</p>	ITP Condition # 6.10	Entire Project	Permittee	
	<p><u>Construction Phase Conditions of Approval Evaluation Report.</u> No later than 45 days after completion of all construction activities for the solar array development area and access road, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in Condition of Approval CDFW Notification and Report Submittal.</p> <p>The Construction Phase Conditions of Approval Evaluation Report which shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (2) beginning and ending dates of Covered Activities for the Construction Phase; (3) a copy of the table in the MMRP with notes showing when each of the Construction Phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species; (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and (5) any other pertinent information. 	ITP Condition # 6.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	Entire Project	Permittee	
	<u>Construction Monitoring Documentation.</u> The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.	ITP Condition # 5.8	Entire Project	Permittee	
	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.10	Entire Project	Permittee	
	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area of this ITP unless provided for as described in the Condition of Approval <u>Project Access</u> .	ITP Condition # 5.11	Entire Project	Permittee	
	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species. Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval <u>SJKF Den Avoidance</u> , <u>GKR Burrow Avoidance</u> , and <u>BUOW Burrow Avoidance</u> , unless approved in advance and in writing by CDFW.	ITP Condition # 5.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.13	Entire Project	Permittee	
	<u>Lighting.</u> Permittee shall ensure all temporary and permanent outdoor lighting is aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.	ITP Condition # 5.15	Entire Project	Permittee	
	<u>Pesticide Use and Prohibition.</u> Permittee shall not use pesticides including but not limited to rodenticides, herbicides, and insecticides on the Project Area without prior written approval from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before any pesticide use.	ITP Condition # 5.16	Entire Project	Permittee	
	<u>Dogs.</u> Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing. CDFW may approve on a case-by-case basis, the use of herding dogs for the purpose of sheep grazing for post construction vegetation maintenance, or other similar need, when the dogs are under the direction supervision of the handler. The use of guardian dogs will not be approved.	ITP Condition # 5.17	Entire Project	Permittee	
	<u>Firearm Prohibition.</u> Construction personnel shall not be permitted to bring firearms into the Project Area.	ITP Condition # 5.18	Entire Project	Permittee	
	<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 fire hazards to wildlife as part of the Condition of Approval <u>Education Program</u> .	ITP Condition # 5.19	Entire Project	Permittee	
	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 in both the Construction Phase and the O&M Phase. Permittee shall also implement and adhere to the following conditions to minimize take of Covered Species during both the Construction and O&M Phases unless otherwise specified:	ITP Condition # 7	Entire Project	Permittee	
	<u>Designated Biologist(s) On Site.</u> The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall be on site during all ground- or vegetation disturbing Covered Activities in accordance with Condition of Approval <u>Compliance Monitoring</u> .	ITP Condition # 7.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Work Hours.</u> Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:</p> <ol style="list-style-type: none"> (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized; (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention; (3) security patrols, (4) refueling equipment and staging of materials and equipment , and (5) concrete pouring. <p>Permittee shall ensure:</p> <ol style="list-style-type: none"> (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. 	ITP Condition # 7.2	Entire Project	Permittee	
	<p><u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or nest burrows except within designated staging areas for which dens or burrows have been excavated per the Conditions of Approval <u>SJKF Den Excavation</u>, <u>GKR Burrow Excavation</u>, and/or <u>BUOW Burrow Excavation</u>. Vehicles left overnight shall be located outside of the applicable avoidance distances defined in Conditions of Approval <u>SJKF Den Avoidance</u>, <u>GKR Burrow Avoidance</u>, and <u>BUOW Burrow Avoidance</u>.</p>	ITP Condition # 7.3	Entire Project	Permittee	
	<p><u>Vehicle Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may move Covered Species out of harm's way in compliance with the CDFW-approved <u>GKR Mortality Reduction and Relocation Plan</u>, or <u>BUOW Mortality Reduction Plan</u>, as applicable.</p>	ITP Condition # 7.4	Entire Project	Permittee	
	<p><u>Pipe and Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of two inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may move Covered Species out of harm's way in compliance with the CDFW-approved <u>GKR Mortality Reduction and Relocation Plan</u>, or <u>BUOW Mortality Reduction Plan</u>, as applicable.</p>	ITP Condition # 7.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>Excavation Inspection. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every day. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.</p> <ul style="list-style-type: none"> • Cover: Unless inspected daily, all Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. • Escape Ramp: As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All Excavations shall have an additional escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope for every additional 50 feet of Excavation length. For example, a 50-foot-long Excavation would have two escape ramps and a 100-foot-long Excavation would have three escape ramps. <p>If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) immediately. Project workers and Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan, or the BUOW Mortality Reduction Plan.</p>	ITP Condition # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Permanent Security Fencing Plan.</u> Permittee shall submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative and Regional Office identified in Condition of Approval <u>CDFW Notification and Report Submittal</u>.</p> <p>The Permanent Security Fencing Plan shall include but not be limited to: the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel "blocks" and the Project Area as a whole (excluding the O&M building(s) and substation(s)) shall be modified to allow for Covered Species permeability following the Construction Phase by leaving a 4 to 6-inch gap from the ground to the bottom of the fence, or other design approved by CDFW. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.</p>	ITP Condition # 7.7	Entire Project	Permittee	
	<p><u>On-Site Drainage Basin Entrapment Prevention.</u> Permittee shall ensure that final design of the on-site stormwater drainage basins have adequate elements to ensure that Covered Species can escape should one inadvertently enter the basin or elements designed to preclude entry. Permittee shall submit a Basin Design Plan with elements necessary for Covered Species escape and/or entry prevention for review and approval by CDFW prior to implementation of Covered Activities related to basin construction and/or installation.</p>	ITP Condition # 7.8	Entire Project	Permittee	
	<p><u>Covered Species Observations.</u> All workers shall inform the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord. The Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may move Covered Species out of harm's way outside of the Project Area and in compliance with the CDFW-approved <u>GKR Mortality Reduction and Relocation Plan</u> or <u>BUOW Mortality Reduction Plan</u>, as applicable.</p>	ITP Condition # 7.9	Entire Project	Permittee	
	<p><u>Covered Species Injury.</u> If any Covered Species life stage (including eggs) is injured or found deceased within the vicinity of the Project Area, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities and include as applicable in the <u>GKR Mortality Reduction and Relocation Plan</u> and <u>BUOW Mortality Reduction Plan</u>. 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 as described in Condition of Approval <u>Notification of Take of Injury</u>. If a Covered Species is found deceased, the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted or follow any approved storage or transport methods as approved in the <u>GKR Mortality Reduction and Relocation Plan</u> and <u>BUOW Mortality Reduction Plan</u> as applicable.</p>	ITP Condition # 7.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Covered Species Buffer Reduction</u> . The buffers prescribed in the below Conditions of Approval <u>SJKF Den Avoidance</u> , <u>GKR Burrow Avoidance</u> , and <u>BUOW Burrow Avoidance</u> shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect the Covered Species using known dens or burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the den or burrow, or if additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.) will be performed, then the Designated Biologist(s) or Designated Trapper(s)/Surveyor(s) may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.	ITP Condition # 7.2	Entire Project	Permittee	
	SJKF Specific Take Minimization Measures:	ITP Condition # 7.12	Entire Project	Permittee	
	<u>SJKF Pre-Construction Surveys and Reporting</u> . No more than 30 calendar days prior to beginning Covered Activities in each work area or phase, the Designated Biologist(s) or Designated Surveyor(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens using and shall identify, flag, and map all such dens. Surveys shall include the entire Project Area or discreet Work Area and 500 feet (where feasible) beyond the limits of the Project Area or discreet Work Area(s), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist identifies any potential, known, and/or natal SJKF dens, the den(s) shall be monitored following the Conditions of Approval <u>SJKF Den Blockage</u> and <u>SJKF Den Excavation</u> unless avoided per Condition of Approval <u>SJKF Den Avoidance</u> . Permittee shall provide the pre-construction survey results in a written report in accordance with Condition of Approval <u>CDFW Notification and Report Submittal</u> at least five (5) calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date and time of the survey(s), results, and location map and discussion of each potential, known, and/or natal SJKF den identified.	ITP Condition # 7.12.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>SJKF Den Avoidance. The Permittee shall notify CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area or discreet Work Area(s) in accordance with the Condition of Approval <u>CDFW Notification and Report Submittal</u>. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:</p> <ul style="list-style-type: none"> • If a <u>potential SJKF den</u> (any subterranean hole, three inches or larger, or "atypical" den (e.g. a pipe or culvert)) for which no evidence is present to conclude that the den is being used or has been used by a SJKF is discovered, a minimum 50-foot no-disturbance buffer shall be established around the den. • If a <u>known SJKF den</u> (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den type. • If a <u>potential SJKF natal den</u> (a den with two or more openings) is discovered, a no-disturbance buffer of at least 200 feet shall be established around the den. • If a <u>known SJKF natal den</u> (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, a no-disturbance buffer of at least 250 feet shall be established around the den. <p>If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u>, <u>SJKF Den Blockage</u>, <u>SJKF Den Excavation</u>, and <u>SJKF Den Replacement Plan</u> as applicable. Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity. Increased no-disturbance buffers will be determined by the Designated Biologist(s) or Designated Surveyor(s) based on their behavioral observations of the affected individuals.</p>	ITP Condition # 7.12.2	Entire Project	Permittee	
	<p>SJKF Den Blockage. The Permittee may block rather than destroy any den located within the buffer distances prescribed by the Condition of Approval <u>SJKF Den Avoidance</u>, but outside the discrete ground-disturbing Work Area(s) within the Project Area. Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) or Designated Surveyor(s) has conducted four (4) consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.</p>	ITP Condition # 7.12.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>SJKF Den Excavation. Dens (including dens in natural substrate and in/beneath man-made structures) that cannot be avoided per the Condition of Approval <u>SJKF Den Avoidance</u> shall be fully excavated by the Designated Biologist(s), Designated Surveyor(s) or by the Designated Monitor, both of the latter only under direct supervision of the Designated Biologist(s) for atypical, known, natal, and potential natal dens. Den excavations shall be performed in the following manner for each type of SJKF den:</p> <ul style="list-style-type: none"> • <u>Potential SJKF den:</u> A potential den may be independently excavated by a Designated Surveyor(s), or by a Designated Monitor(s) under the direct supervision of a Designated Surveyor(s), only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, "keyhole shape" burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF. • <u>Known SJKF den:</u> A known SJKF den may be excavated by the Designated Biologist(s) immediately after the Designated Biologist(s) or Designated Surveyor(s) has conducted four (4) consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF are not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. • <u>Potential and known natal dens:</u> A potential or known SJKF natal den shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW. <p>If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking medium or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be resumed and completed when, in the judgment of the Designated Biologist(s), the individual has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from both agencies prior to proceeding with den excavation. An established SJKF den no-disturbance buffer may be removed once a den has been fully excavated.</p>	ITP Condition # 7.12.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>SJKF Den Replacement Plan. Permittee shall replace each known and active SJKF den (as defined in Condition of Approval <u>SJKF Den Avoidance</u>) that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Permittee shall submit a SJKF Den Replacement Plan prepared by an approved SJKF Designated Biologist to CDFW no more than 120 calendar days after starting Covered Activities. The SJKF Den Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial den replacement locations; 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); artificial den installation methods; and timing of SJKF den installation/construction.</p> <p>Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.</p>	ITP Condition # 7.12.5	Entire Project	Permittee	
	GKR Specific Take Minimization Measures:	ITP Condition # 7.13	Entire Project	Permittee	
	<p>GKR Mortality Reduction and Relocation Plan. Permittee shall submit a GKR Mortality Reduction and Relocation Plan prepared by an approved GKR Designated Biologist for CDFW review before starting Covered Activities. Burrow excavation shall not proceed until the GKR Mortality Reduction and Relocation Plan has been approved in writing by CDFW. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); plans for tracking spatial burrow locations and neighbor-to-neighbor configurations for intended release in identical neighbor-to-neighbor configurations; artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist(s) or Designated Trapper(s) is authorized to capture, handle, and relocate GKR.</p> <p>Once the GKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all GKR mortality reduction activities for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.</p>	ITP Condition # 7.13.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>GKR Pre-Construction Surveys and Reporting.</u> No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) or Designated Trapper(s) shall conduct pre-construction surveys in the Project Area or Work Area(s) and 50 feet beyond the limits of the Project Area or Work Area(s) (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential GKR burrows and precincts. Permittee shall provide the results in a GKR Burrow Map and written report to CDFW's Regional Representative within five calendar days after survey completion. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential GKR burrow and/or precinct, distances of burrow or precincts to Project Work Areas, and the dates when GKR trapping and relocation will occur as described in Condition of Approval <u>GKR Live Trapping and Relocation</u> .	ITP Condition # 7.13.2	Entire Project	Permittee	
	<u>GKR Burrow Avoidance.</u> The Designated Biologist(s) or Designated Trapper(s) shall establish a no-disturbance buffer at least 50 feet around known or suspected GKR burrows and/or precincts that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing (if warranted), live trapping, relocation, and burrow excavation shall occur in accordance with the below Conditions of Approval <u>GKR Live Trapping and Relocation</u> and <u>GKR Burrow Excavation</u> . A buffer reduction request may be submitted to CDFW to allow for retaining burrows or precincts that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to GKR post construction in accordance with Condition of Approval <u>Covered Species Buffer Reduction</u> .	ITP Condition # 7.13.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>GKR Live Trapping and Relocation</u>. Any potential GKR burrows that cannot be avoided per Condition of Approval <u>GKR Burrow Avoidance</u> shall be live trapped for at least four (4) consecutive nights by the Designated Biologist(s) or Designated Trapper(s) prior to commencing ground- or vegetation-disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist(s) or Designated Trapper(s) shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist(s) or Designated Trapper(s) shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist(s) or Designated Trapper(s) shall close all traps for GKR during the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of precipitation that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist(s) or Designated Trapper(s) shall close all traps for GKR if the air temperature exceeds 99 degrees Fahrenheit during the trapping period. If the air temperature is predicted to drop below 50 degrees Fahrenheit, traps shall be checked every two (2) hours during the trapping period and extra seed shall be included in each trap. The Designated Biologist(s) or Designated Trapper(s) shall place natural batting (e.g. unbleached paper towels) for insulation into each trap and shall replace with new material as needed during each trap check to ensure insulation material is dry and present for the duration of each trap night. The Designated Biologist(s) or Designated Trapper(s) shall cease trapping if captured animals are found to be lethargic or otherwise are showing signs of a decrease in body temperature.</p> <p>The Designated Biologist(s) or Designated Trapper(s) shall relocate any captured GKR to the CDFW-approved release site identified in the <u>GKR Mortality Reduction and Relocation Plan</u>. The Designated Biologist(s) or Designated Trapper(s) shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials at the release location with that individual. Any captured lactating/nursing female or dependent GKR juveniles shall be released immediately and monitored for their specific burrow return and planned for either: (1) future burrow or precinct excavation so adult and dependent young/juvenile(s) can be captured (during excavation) and relocated together; or (2) delaying subsequent trapping at the specific burrow or precinct site to allow for young/juveniles to mature and disperse. The Permittee may submit alternative relocation methods for written approval by CDFW as a part of the GKR Mortality Reduction and Relocation Plan.</p>	ITP Condition # 7.13.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>GKR Burrow Excavation</u> . Immediately following live trapping activities conducted to address burrows that cannot be avoided in accordance with the Condition of Approval <u>GKR Burrow Avoidance</u> and prior to beginning ground disturbing Covered Activities within the Project Area or Work Area(s), the Designated Biologist(s), or an approved Designated Trapper(s) or Designated Monitor under the direct supervision of the Designated Biologist(s), shall fully excavate by hand any known or suspected GKR burrows and/or precincts that will be impacted by ground disturbing Covered Activities, according to the approved <u>GKR Mortality Reduction and Relocation Plan</u> . Any Covered Species encountered during burrow excavation shall be relocated according to the approved <u>GKR Mortality Reduction and Relocation Plan</u> to the CDFW-approved release site(s). All burrow excavation shall be completed within 72 hours of the conclusion of live trapping. Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR.	ITP Condition # 7.13.5	Entire Project	Permittee	
	<u>Protection of GKR Food Stores</u> . Where impacts occur that do not warrant relocation of GKR as directed by the <u>GKR Mortality Reduction and Relocation Plan</u> , Permittee shall not disturb any GKR food stores including but not limited to: haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist(s) or Designated Trapper(s) 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), covering the seeds temporarily with plywood to allow temporary vehicle or foot traffic access, or implementing other measures developed in consultation with CDFW.	ITP Condition # 7.13.6	Entire Project	Permittee	
BUOW Specific Take Minimization Measures: ITP Condition # 7.14					
	<u>BUOW Mortality Reduction Plan</u> . Permittee shall submit a BUOW Mortality Reduction Plan prepared by an approved BUOW Designated Biologist to CDFW for written approval before starting Covered Activities. Burrow exclusion and burrow excavation shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologist(s), or personnel following directions from and under the supervision of the Designated Biologist(s), are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling or capture is prohibited. Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.	ITP Condition # 7.14.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>BUOW Artificial Burrow Replacement Plan</u>. Permittee shall replace each known BUOW burrow (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Artificial Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW no more than 120 calendar days <u>after</u> starting Covered Activities. The BUOW Artificial Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances, etc.); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.</p> <p>Once the BUOW Artificial Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Artificial Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved in writing by CDFW prior to the implementation of any proposed modifications.</p>	ITP Condition # 7.14.2	Entire Project	Permittee	
	<p><u>BUOW Pre-Construction Surveys and Reporting</u>. The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known, and/or nesting BUOW burrows (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) within 30 calendar days prior to beginning Covered Activities in the Project Area or discreet Work Area(s). Surveys shall include the Project Area or discreet Work Area(s) and 500 feet (where feasible) beyond the limits of the Project Area or discreet Work Area(s), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any known, or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval <u>BUOW Burrow Blockage</u> and <u>BUOW Burrow Excavation</u>, unless avoided per the Condition of Approval <u>BUOW Burrow Avoidance</u>. Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval <u>Burrow Map</u>) in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each distinct Work Area(s). The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).</p>	ITP Condition # 7.14.3	Entire Project	Permittee	
	<p><u>Burrow Map</u>. The Designated Biologist shall provide a KMZ map to CDFW of all known and/or nesting BUOW burrows found during the surveys performed per the Condition of Approval <u>BUOW Pre-Construction Surveys and Reporting</u>. The map shall show details and locations of all BUOW sightings and known and nesting BUOW burrows as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>. The map shall include an outline of the Project Area and any distinct Work Area(s), title, north arrow, scale bar, and legend.</p>	ITP Condition # 7.14.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>BUOW Burrow Avoidance. The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:</p> <ul style="list-style-type: none"> • If a <u>known BUOW burrow</u> (a burrow that is known to have been used or shows evidence of current or past use) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area). • If a <u>nesting BUOW burrow</u> used for nesting (e.g. known BUOW burrow indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area or Work Area(s), the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31). <p>If BUOW burrows cannot be avoided as described above, then the Permittee shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u>, <u>BUOW Burrow Blockage</u>, <u>BUOW Burrow Excavation</u>, and <u>BUOW Mortality Reduction Plan</u> as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.</p>	ITP Condition # 7.14.5	Entire Project	Permittee	
	<p>BUOW Burrow Blockage. Where CDFW has approved a buffer reduction, the Permittee may block rather than destroy any known BUOW burrow located within the buffer distances prescribed by the Condition of Approval BUOW Burrow Avoidance, but outside the discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has surveyed in accordance with Condition of Approval <u>BUOW Burrow Avoidance</u>. BUOW nest burrows shall not be blocked until the checks and adults have vacated the burrow and then only after biological and wildlife camera monitoring confirm that the chicks have fledged, and are no longer dependent on the nest, and then only after written concurrence from CDFW. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist or Designated Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW regains access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.</p>	ITP Condition # 7.14.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>BUOW Burrow Excavation. The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Conditions of Approval <u>BUOW Burrow Avoidance</u> and <u>Covered Species Buffer Reduction</u> and that are within the Project Area or Work Area(s). Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area or discreet Work Area(s).</p> <ul style="list-style-type: none"> Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after four (4) consecutive 24-hour periods of wildlife camera monitoring. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside. BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and then only after written concurrence from CDFW. <p>An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and the BUOW(s) is/are no longer using the burrow.</p>	ITP Condition # 7.14.7	Entire Project	Permittee	
Operation and Maintenance (O&M) Phase Covered Activities Take Minimization Measures					
	<u>O&M Covered Activities Requirement.</u> Permittee shall implement all Conditions of Approval General Provisions and Monitoring, Notification and Reporting Provisions of this ITP for all O&M Covered Activities as applicable.	ITP Condition # 7.15	Entire Project	Permittee	
	<u>O&M Covered Activities Designated Biologist(s) or Designated Monitor(s) On-site.</u> The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.	ITP Condition # 7.16	Entire Project	Permittee	
	<u>O&M Covered Activities Work Hours.</u> Permittee shall confine any O&M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or species-specific take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.	ITP Condition # 7.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>O&M Covered Activities Vehicle Parking</u> . During all O&M Covered Activities, Permittee shall not allow vehicles to park on top of potential Covered Species dens, burrows, or nest burrows. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval <u>SJKF Den Avoidance</u> , <u>GKR Burrow Avoidance</u> , and <u>BUOW Burrow Avoidance</u> .	ITP Condition # 7.18	Entire Project	Permittee	
	<u>O&M Phase Vehicle and Equipment Inspection</u> . During the O&M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of this ITP.	ITP Condition # 7.19	Entire Project	Permittee	
	<u>O&M Phase Permanent Security Fence Inspection</u> . During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the Permanent Security Fencing Plan.	ITP Condition # 7.20	Entire Project	Permittee	
	<u>O&M Covered Activities Pipes and Materials Inspection</u> . Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. Workers 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, the Designated Biologist shall be contacted, and that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.	ITP Condition # 7.21	Entire Project	Permittee	
	<u>O&M Covered Activities Covered Species Observations</u> . During all O&M Covered Activities within the Project Area, workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord.	ITP Condition # 7.22	Entire Project	Permittee	
	<u>O&M Covered Activities SJKF Den Avoidance</u> . Unless otherwise approved in writing by CDFW in accordance with Condition of Approval <u>Covered Species Buffer Reduction</u> , if a potential or atypical SJKF den (any subterranean hole, three inches or larger), is located within or near proposed O&M work, SJKF den avoidance shall occur in accordance with Condition of Approval <u>SJKF Den Avoidance</u> prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval <u>SJKF Den Blockage</u> or <u>SJKF Den Excavation</u> , and <u>SJKF Den Replacement Plan</u> as appropriate.	ITP Condition # 7.23	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>O&M Covered Activities GKR Burrow Avoidance.</u> Unless otherwise approved in writing by CDFW in accordance with Condition of Approval <u>Covered Species Buffer Reduction</u> , if a known or suspected GKR burrows and/or precincts are located within or near proposed O&M work, GKR burrow avoidance shall occur in accordance with Condition of Approval <u>GKR Burrow Avoidance</u> prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval <u>GKR Live Trapping and Relocation</u> and <u>GKR Burrow Excavation</u> as appropriate.	ITP Condition # 7.24	Entire Project	Permittee	
	<u>O&M Covered Activities BUOW Burrow Avoidance.</u> Unless otherwise approved in writing by CDFW in accordance with Condition of Approval <u>Covered Species Buffer Reduction</u> , if a known, or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval <u>BUOW Burrow Avoidance</u> prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval <u>BUOW Burrow Blockage</u> , <u>BUOW Excavation</u> , <u>BUOW Burrow Mortality Reduction Plan</u> , and <u>BUOW Artificial Burrow Replacement Plan</u> as appropriate.	ITP Condition # 7.25	Entire Project	Permittee	
	<u>O&M Covered Activities Covered Species Injury.</u> If a Covered Species is injured as a result of conducting O&M Covered Activities, or otherwise found injured in the Project Area, the Designated Biologist shall immediately take the Covered Species to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting O&M Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report within two days calendar days of the incident as described in Condition of Approval <u>Covered Species Injury</u> .	ITP Condition # 7.26	Entire Project	Permittee	
	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist(s) or Designate Trapper(s)/Surveyor(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Representative shall provide initial notification to CDFW within 24 hours of discovery via email to the Regional Office at RRR.R4@wildlife.ca.gov . The initial notification to CDFW shall include information regarding the location, species, and number of animals taken, injured, summary of next steps that will be taken, and the ITP Number. Following initial notification, Permittee shall email CDFW a written report within two calendar days following the directions provided in Condition of Approval <u>CDFW Notification and Report Submittal</u> . This written report shall include, but is not limited to: the date and time of the finding or incident, location of the animal or carcass, available photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) is unable to comply with the ITP, then they shall notify CDFW in accordance with Condition of Approval <u>CDFW Notification and Report Submittal</u>. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s), Designated Trapper(s)/Surveyor(s), or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.</p>	ITP Condition # 5.3	Entire Project	Permittee	
POST-CONSTRUCTION					
	<p><u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.</p>	ITP Condition # 5.14	Post-construction	Permittee	
	<p><u>Final Mitigation Report.</u> No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in Condition of Approval <u>CDFW Notification and Report Submittal</u>.</p> <p>The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all Annual Status Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. 	ITP Condition # 6.12	Post-construction	Permittee	

ATTACHMENT 2

Biologist Resume Form

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: 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 #2: (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 Survey Hours:

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 Survey Hours:

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 #3: (Example: Western Burrowing Owl)

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 Monitoring Hours:

Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Burrows Excavated (list all potential, known):

One-way doors installed or other burrow blocking:

Artificial burrows constructed:

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:

Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated (list all potential, known):

One-way doors installed or other burrow blocking:

Artificial burrows constructed:

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

Letter of Credit Form

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

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

[Name of financial institution]

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

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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