

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
INLAND DESERTS REGION
3602 INLAND EMPIRE BOULEVARD, SUITE C-220
ONTARIO, CA 91764**



**AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2003-011-06
Equinox Gold Corp., d/b/a Western Mesquite Mines, Inc.
Mesquite Mine Expansion in Imperial County**

INTRODUCTION

On August 12, 2003, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2003-011-06 (ITP) to Newmont Mining Corporation (Permittee) authorizing take of desert tortoise (*Gopherus Agassizii*) (collectively, the Covered Species) associated with and incidental to the Mesquite Mine Expansion in Imperial County, California (Project). The Project as described in the ITP originally issued by CDFW includes continuing operations and expanding an open-pit heap leach gold mine into adjacent undisturbed areas with a subsequent implementation of the Final Reclamation Plan after mine closure. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

This Amendment reflects the new Conservation Measures within the United States Fish and Wildlife Service (Service) Biological Opinion (BO) 1-6-92-F22R4 that address Authorized Biologist approval, Authorized Biologist duties, desert tortoise relocation, and desert tortoise post-translocation monitoring. The changes in both the BO and this Amendment are designed to be in accord with the 2020 Service *Translocation of Mojave Desert Tortoises from Project Sites: Plan Development Guidance*.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, the Permittee information shall be updated to reflect current ownership.

Second, this Amendment adds project activities to the Project Description.

Third, this Amendment changes the location to submit the signed Amendment and extends the Expiration Date from December 31, 2020 to December 31, 2031.

Fourth, Condition of Approval (Condition) 3.a.i shall be amended with the replacement of the former Permittee's name with "Permittee".

Fifth, Condition 3.b.i shall be amended by referencing this Amendment and replacing the Permittee's name with "Permittee".

Sixth, Condition 3.b.ii shall be amended with the replacement of the former Permittee's name with "Permittee".

Seventh, Condition 3.b.iii shall be amended with the replacement of the former Permittee's name with "Permittee".

Eighth, Condition 3.b.v shall be amended to reference this Amendment.

Ninth, a new Condition 3.b.vi shall be added after 3.b.v describing the reporting requirements for translocated tortoises. This Condition shall consist of Conservation Measure (CM) 6 from BO 1-6-92-F22R4.

Tenth, the former Condition 3.b.vi shall be renumbered as 3.b.vii.

Eleventh, this Amendment replaces Conditions 3.c.i through 3.c.v with CM 1-CM 5 from BO 1-6-92-F22R4.

Twelfth, this Amendment deletes Condition 3.c.vi.

Thirteenth, this Amendment rennumbers former Condition 3.c.vii as Condition 3.c.vi and updates the CDFW contact information in the amended Condition 3.c.vii.

Fourteenth, this Amendment rennumbers former Conditions 3.c.viii through 3.c.x as amended Conditions 3.c.vii through 3.c.ix.

Fifteenth, this Amendment rennumbers former Condition 3.c.xi as amended Condition 3.c.x and revises fencing specifications and post-fencing survey procedures.

Sixteenth, this Amendment rennumbers former Condition 3.c.xii as amended Condition 3.c.xi and replaces this Condition 3.c.xi with CM 7 from BO 1-6-92-F22R4.

Seventeenth, this Amendment rennumbers former Conditions 3.c.xiii through 3.c.xix as amended Conditions 3.c.xii through 3.c.xviii and deletes former Permittee's name from 3.c.xiv.

Eighteenth, this Amendment revises the Mitigation Monitoring and Reporting Program (MMRP) included as Attachment 1 to this Permit to be in accord with the seventeen changes listed above.

AMENDMENT

The ITP is amended as follows (amended language in bold italics; deleted language in strikethrough):

1. The Permittee information on page 1 shall be amended to read:

Permittee: ~~Newmont Mining Corp.~~
Equinox Gold Corp., d/b/a Western Mesquite Mines. Inc..

Name and title of principal officer:
~~Wayne W. Murdy, Chairman and~~
Darren Hall, Chief Executive Officer

Contact Person:
~~Dennis P. Layborn, Site Manager~~
Quirt Monchamp, General Manager
(928) 341-4653

Mailing address:
6502 East Highway 78
Brawley, CA 92227

~~Agent for service of process:~~
~~GT Corporation System~~
~~818 West Seventh Street Los Angeles, CA 90017~~

Corporate Office:
Equinox Gold Corp.
700 West Pender St., Suite 1501
Vancouver, BC, Canada V6C 1G8

2. The Project Description shall be amended by the addition of the following language after the existing language:

Monitored desert tortoises shall have Full Health Assessments performed at least twice during each full calendar year of monitoring, one assessment prior to and one assessment subsequent to over-wintering on all desert tortoises monitored

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(both Milpitas Wash and Desert Sunlight).

Any desert tortoises found at the Mesquite Mine for the duration of this Amended Permit shall be translocated and monitored as described below.

3. The "Effective date and expiration date of permit" section shall be amended to read:

Effective date and expiration date of permit:

This Permit **Amendment** shall be executed in duplicate original form and shall become **is effective as of December 31, 2020** ~~once a duplicate original is acknowledged by applicant (see below) and returned to the Department Office of the General Counsel.~~ Unless renewed by the Department, this Permit's authorization to take the Covered Species shall expire on ~~December 31, 2020~~ **December 31, 2031.**

4. Condition 3.a.i shall be amended to read:

a) General Provisions:

- i) ~~Newmont Mining Corporation~~ **Permittee** shall present a desert tortoise education program to all mine employees conducting activities at the project site, process area, or ancillary facilities. Personnel participation in the program shall precede any initiation of project actions. Following the onset of mining, new employees must formally complete the training prior to working on-site. The Department-approved tortoise program shall contain, at a minimum, the following topics: (1) desert tortoise distribution/occurrence; (2) general behavior and ecology; (3) species' sensitivity to human activities; (4) legal protection; (5) penalties for violation of State or Federal laws; (6) reporting requirements and (7); project protective measures, including necessary caution/awareness during commutes. A fact sheet containing this information shall also be prepared and distributed. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at ~~Newmont Mining Corporation's offices~~ **at both the Equinox Gold Corp. corporate office and Western Mesquite Mines, Inc. office** and shall be made available to the Department upon request.

5. Condition 3.b.i shall be amended to read:

b) Notification and Reporting:

- i) ~~At least~~ **No more than** thirty (30) days ~~before initiating ground-disturbing~~

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activities ***after issuance of this Amendment of this Permit***, Newmont Mining Corporation ***Permittee*** shall designate a Field Contact Representative (FCR) responsible for communications with the Department and for overseeing compliance with this Permit. The Department shall be notified in writing of the representative's name, business address, and telephone number, and shall be notified in writing if a substitute representative is designated.

6. Condition 3.b.ii shall be amended to read:

- ii) ~~Newmont Mining Corporation~~ ***Permittee*** shall notify the Department fourteen (14) days before initiating ground-disturbing activities.

7. Condition 3.b.iii shall be amended to read:

- iii) ~~Newmont Mining Corporation~~ ***Permittee*** shall immediately notify the Department in writing if it determines that it is not in compliance with any condition of approval of this Permit, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods indicated in this Permit and/or Attachment 1, the Mitigation Monitoring and Reporting Program (MMRP).

8. Condition 3.b.v shall be amended to read:

- v) Beginning with issuance of the Permit and continuing for the life of the Project, Permittee shall provide the Department an annual Status Report no later than July 1 of every year. Each Status Report shall include, at a minimum: 1) a general description of the status of the Project site and construction activities, including actual or projected completion dates, if known; 2) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; and 3) an assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for Project impacts. ***After issuance of this Amendment, reporting for translocated desert tortoises shall be as described in Amended Condition 3.b.vi.***

9. A new Condition 3.b.vi shall be added to describe the reporting requirements for translocated tortoises.

- vi) ***Post-translocation Reporting Requirements: At a minimum the authorized biologist shall record the following information for any desert tortoises handled: 1) locations (narrative and maps) and dates***

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of observations; 2) general condition and health, including injuries, state of healing and whether bladders are voided; 3) location moved from and location moved to (using GPS technology); 4) gender, carapace length, and diagnostic markings (i.e., identification numbers or marked lateral scutes); 5) ambient temperature when handled and released; and 6) digital photograph of each handled desert tortoise.

During the 5-year monitoring period for each translocated tortoise, all translocation activities shall be recorded on standardized data sheets and/or digital data recorders. The lead authorized biologist shall submit quarterly status reports via email to the Agencies. An annual report shall also be submitted to the Agencies on or before January 31 of the following year. Final reports shall be submitted to the Agencies 1) following the fifth year of monitoring of the Desert Sunlight control population tortoises 2) after 5 years of translocation monitoring for the five tortoises currently held in captivity, and 3) following 5 years of monitoring each additional animal found and translocated during the period covered by this Permit. All final reports shall be reviewed and approved by the Agencies before monitoring ceases and transmitters are removed for the desert tortoises subject to the monitoring program.

10. Former Condition 3.b.vi shall be renumbered as 3.b.vii.

~~vi)~~

vii) No later than 45 days after completion of the Project, including completion of all mitigation measures, Permittee shall provide the Department with a Final Mitigation Report. The Final Mitigation Report shall be prepared by a knowledgeable, experienced Biologist and shall include, at a minimum: 1) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; 2) all available information about Project-related incidental take of species covered in the Permit; 3) information about other Project impacts on the species covered in the Permit; 4) construction dates; 5) an assessment of the effectiveness of the permit's conditions of approval in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the species; and 7) any other pertinent information, including the level of take associated with the Project.

11. Conditions 3.c.i through 3.c.v shall be amended to read:

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c) Desert Tortoise:

~~i) Only, an Authorized Biologist, which is one approved by the Department, Fish and Wildlife Service (Service) and BLM, or other persons confirmed by the Department, the Service and BLM, with demonstrated experience in the proper handling of desert tortoises and locating tortoises and their sign, shall be permitted to handle/relocate desert tortoises. Permittee shall submit the names and credentials of individuals to the Department for review and approval at least 15 days prior to the onset of any mine-related operations. No excavation/surface disturbing activities will be permitted to commence until the Authorized Biologist had been selected. The Authorized Biologist shall be present during all surveying efforts (excluding archaeological work), powerline construction, overbuilding activities, pipeline installation, water well excavation, and road realignments. The Authorized Biologist must have had experience/training/education in conducting surveys, monitoring/supervising project operations, and implementing tortoise avoidance and minimization measures.~~

i) *Authorized Biologist: When requesting authorization of biologists to handle desert tortoises, the Permittee/BLM shall submit credentials to the Service and CDFW for review and approval at least 30 days prior to the need for the biologist to perform those activities in the field. For authorization of specialized handling activities (e.g., transmitter placement or health assessments), the BLM shall clearly define activities for which it is requesting authorization and provide credentials that are specific to those activities.*

A. *The Permittee shall ensure that authorized biologists adhere to the protocols outlined in the Service's health assessment procedures for desert tortoise or the most current Service guidance when performing health assessments on desert tortoises.*

B. *The Permittee shall ensure that only authorized biologists handle desert tortoises except in circumstances where the desert tortoise is in immediate danger of injury and mortality. Use of an authorized biologist shall be in accordance with the most recent Service guidance. The Permittee shall ensure that biologists do not perform specialized handling activities (e.g., transmitter placement, health assessments, or blood collection) for which they are not specifically authorized by the Service.*

C. If a desert tortoise is in immediate danger, the Permittee shall ensure that it is moved into a holding pen of a design approved by the Agencies. An Authorized Biologist shall ensure the safety of the animal and conduct a health assessment. The Permittee shall follow the most recent San Diego Zoo protocol for temporary captive care.

~~ii) The Authorized Biologist shall regularly inspect (a minimum of three times per day) open trenches and test holes. Entrapped tortoises/wildlife will be permitted to move from harm's way or be carefully removed from the excavation site by the Authorized Biologist. A final inspection of trenches and holes shall be conducted by the Authorized Biologist just prior to backfilling. All test holes shall be immediately capped/sealed upon completion of drilling.~~

ii) Desert Tortoise Translocation Requirements: All desert tortoises located within the Project shall be translocated to the designated recipient areas on federally owned land parcels.

A. Translocation shall occur in spring (April 1 through May 31), but fall (September 1 through October 15) may be considered; dates may be extended under favorable weather conditions as described below.

B. The following conditions shall be met for translocation to proceed:

C. Releases shall occur when temperature ranges from 18-30° C (65-85°F) and are not forecasted to exceed 32°C (90°F) within 3 hours of release or 35°C (95°F) within 1 week of release. Additionally, forecasted daily low temperatures shall not be cooler than 10°C (50°F) for 1 week post-release.

D. Release points for desert tortoises shall be pre-selected during visits to the Milpitas Wash recipient site and/or specified in the disposition plan.

E. Desert tortoises shall be transported to Milpitas Wash recipient site in clean, ventilated protective containers. If re-used, these containers must be disinfected using a solution and Service-approved methods before being used for another desert tortoise.

F. Depending on environmental conditions and hydration state, desert tortoises to be translocated may need to be hydrated within 12 hours before release. All desert tortoises that void shall need to be hydrated according to existing Service protocols.

G. All desert tortoises shall be released at unoccupied shelter sites, which should be at a minimum 700 meters (m) apart. Shelters include unoccupied soil burrows, spaces within rock outcrops, caliche caves, and the shade of shrubs.

H. If additional desert tortoises are found inside the Project boundary fence during the 5-year monitoring period, the Permittee shall implement all translocation requirements described below. Each additional desert tortoise shall be monitored for 5 years.

~~iii) Desert tortoises may only be handled by the Authorized Biologist or the FOR in the case of an emergency and only when necessary. Any desert tortoise relocated or otherwise removed from areas with mine-related construction/excavation shall be handled in accordance with the procedures described in Guidelines for Handling Desert Tortoises During Construction Projects (DTC 1994, revised 1999). All tortoises shall be translocated to sites identified and approved by the Department, Service and BLM prior to clearance and relocation.~~

iii) Desert Tortoise Transmitters: Each desert tortoise shall receive a unique identifier. Subadult (less than 180 mm) desert tortoises shall be marked with epoxy instead of a transmitter. An authorized biologist attaching transmitters or otherwise marking desert tortoises shall conform to restrictions of time of day, temperature, and total time handled prior to translocation specified in the Service's 2009 Desert Tortoise Field Manual (Field Manual). Transmitters shall remain on all adult individuals through the 5-year monitoring period and replaced as necessary. Transmitters shall not be removed until the final desert tortoise translocation is approved by the Agencies.

~~iv) Permittee in conjunction with BLM, the Department and Service, will identify several areas for the relocation of desert tortoises within the vicinity of Mesquite Mine. These areas will be at least 0.5-1.0 mile apart in suitable Microphyll Woodland habitat, and a reasonable distance from paved roads and extensively used dirt roads. In order to reduce competition, no more than 2 tortoises will be relocated to each area.~~

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- iv) Post-Translocation Monitoring: Monitoring refers to pinpointing the exact location of each adult desert tortoise and attempting to view it without disturbance unless entrapment, a scheduled health assessment, or equipment maintenance requires handling. Unless otherwise approved by the Agencies, the effectiveness-monitoring program shall occur as follows:***

Translocated desert tortoises:

- A. Once within 24 hours of release;***
 - B. Daily monitoring for the first two weeks or until monitoring shows a reduction in movement, or repeated burrow use***
 - C. A minimum of once a week from March through early November for the duration of the 5-year monitoring period; and***
 - D. Once every other week from November through February starting after the third week of release and for the duration of the 5-year monitoring period***
 - E. Additionally the following measures also apply to Desert Sunlight control, recipient, and translocated desert tortoises:***
 - F. A minimum of once a week from March through early November for the duration of the 5-year monitoring period; and***
 - G. Once every other week from November through February starting after the third week of release and for the duration of the 5-year monitoring period.***
- ~~v) The Authorized Biologist shall maintain a complete record of every desert tortoise encountered and moved from harm's way during all mine-related efforts. At a minimum, the information shall include: location (written description and map) of the tortoise finding, date and time of observation, along with details of the relocation site; tortoise life history information (i.e., weight, length, width, height, and sex); general condition and health, including any apparent injuries/state of healing, occurrence of bladder voiding upon handling; and diagnostic markings (e.g., identification number or previously marked lateral scute).~~

v) Desert Tortoise Health Assessments: Full desert tortoise health assessments shall be conducted at least twice during each full calendar year of monitoring, one assessment prior to and one assessment subsequent to over-wintering. Full health assessment protocols may be downloaded from <https://www.fws.gov/media/2019-desert-tortoise-health-assessment-procedures-handbook>; this website contains a comprehensive disease risk analysis relative to translocation (Rideout 2015). Laboratories receiving samples must also be in compliance with CDFW regulations. A final health assessment for each monitored individual shall also be conducted at the end of the 5-year monitoring period.

Any health problems observed (e.g., rapid declines in body condition, perceived outbreaks of disease, mortality events) should be reported to the Agencies such that appropriate actions can be taken in a timely manner. Mortalities shall be investigated as thoroughly as possible. Information on mortalities, including desert tortoise unique identifier, location, and cause of death (if determined) shall be provided to the Agencies upon discovery (verbally within 48 hours or via email within three business days). If directed by the Agencies, fresh carcasses shall be submitted for necropsy and the cost covered by the Permittee.

12. Former Condition 3.c.vi shall be deleted:

~~vi) Desert tortoises removed/relocated from the mine site or ancillary areas shall be marked for future identification. An identification number (using the acrylic paint/epoxy technique) will be affixed to the fourth costal scute, and a 35 mm photograph (slide) of the carapace, plastron, and fourth left costal scute shall be obtained. No notching or replacement of fluids by injection (i.e., syringe) shall be authorized. Any water basins, bowls, or other containers provided to a tortoise for rehydration shall be promptly removed from the field following determination by the authorized biologist that adequate fluid replacement has occurred.~~

13. Former Condition 3.c.vii shall be renumbered as 3.c.vi and shall be amended to read:

~~vii)~~
vi) Upon locating a dead or injured tortoise, Permittee will *shall* notify the Department within 24 hours, Notification will *shall* be to the Regional Field

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Office in ~~Long Beach~~ **Ontario** at ~~(562) 590-5113~~ **(909) 484-0167**. Written notification to the Department ~~will~~ **shall** occur within 15 days of the finding. The information provided must include the date and time of the finding or incident (if known); location of the carcass; photograph; cause of death; and other pertinent information. Desert tortoise remains ~~will~~ **shall** be collected, frozen as soon as possible, and delivered to BLM. Injured animals shall be transferred to a qualified veterinarian for treatment, at the expense of the Permittee. If an injured animal recovers, the Department and Service ~~will~~ **shall** be contacted regarding the final disposition of the animal.

14. Former Conditions 3.c.viii through 3.c.x are renumbered as amended Conditions 3.c.vii through 3.c.ix.

~~viii)~~

vii) Permittee shall submit a summary report (separate from the regular monthly report) to the Department upon completion of the clearance surveys, relocation/handling efforts, and any injuries/deaths encountered during mine-related activities. Additionally, the report shall include an evaluation of the effectiveness of the avoidance/minimization measures and possible recommendations to further reduce the direct/indirect effects of the mining operations on desert tortoise and associated habitat.

~~ix)~~

viii) Permittee shall prepare a report (separate from the regular monthly report) for the Department no later than 90 days after completion of any necessary fence construction. The report shall document the effectiveness and practicability of the mitigation measures. Additionally, it shall include the number of desert tortoises removed from burrows, the number of tortoises removed from the site, the relocation site(s), the number of tortoises killed or injured, and specific information regarding each desert tortoise. The report may make recommendations regarding these measures that may enhance tortoise protection or improve implementation from an operational standpoint.

~~x)~~

ix) A raven monitoring program shall be conducted over the project's lifetime to determine whether mining actions promote an increase in the relative abundance of ravens, and correspondingly, a higher predation rate on desert tortoise. Five stations shall be established within and around the proposed site (i.e., the center and each corner) and visited on a monthly basis. During a standard observation period (15 min), the Authorized Biologist, FCR, or other Department, Service and BLM approved individual

shall record raven numbers and behavior and inspect any nest sites for desert tortoise remains, along with documenting all carcasses found (i.e., number, size, relative time of death, and distance from nest). A summary of the monitoring results shall be included in the Annual Status Report. A comprehensive raven management program shall be developed and instituted in the event that significant increases in raven numbers are observed overtime.

15. Former Condition 3.c.xi is renumbered as amended Condition 3.c.x and amended to read:

~~xi)~~

x) Permittee shall construct a specially designed tortoise fence around the entire mine site. The fence will consist of a non-breachable barrier and support structures. ~~Galvanized hardware cloth of 0.635 cm (0.25 in) diameter shall be attached along the base of the fence and buried a minimum of 30 cm (12 in) underground with an aboveground extension of at least 46 cm (18 in). If burial is not feasible, the bottom one-half of the fence shall be positioned flat on the ground, opposite the project/process area, and appropriately weighted (e.g., large rocks) or secured. Overall, the smaller 0.635 cm (0.25 in) mesh size was selected to prevent tortoise entry into the mine site and minimize the likelihood of incidental reptile mortality. Fence-ensnared lizards could attract ravens and potentially/artificially increase predation upon the resident tortoises. After fence installation, the Authorized Biologist will~~ **shall** conduct a clearance survey for tortoises within the fenced project site. All desert tortoises found will **shall** be removed **as described in Conditions 3.c.i-3.c.iii**. If removal occurs during the season of above-ground activity, ~~relocated tortoises will be placed beside a burrow of appropriate size. If removal occurs during a period of inactivity, tortoises will be removed from burrows, dug out if necessary, on a seasonable warm day and placed at the mouth of a burrow of appropriate size. If the desert tortoise does not enter the burrow, an artificial burrow may be necessary. All tortoises will~~ **shall** be relocated **translocated** to identified and approved areas.

16. Former Condition 3.c.xii shall be renumbered as amended Condition 3.c.xi and shall be amended to read:

~~xii) Permittee shall monitor the fence monthly and shall promptly take corrective action to maintain the overall integrity of the tortoise barrier. Following storms, Permittee shall assess the fence's structure and immediately repair all damaged locations.~~

- xi) Desert Tortoise Exclusion Fencing: The Permittee shall ensure that the desert tortoise exclusion fencing complies with the Service's Field Manual. Fence material shall be galvanized, one inch by two-inch vertical wire mesh. The Permittee shall inspect desert tortoise exclusion fencing weekly during the desert tortoise's most active period (April through May and September through October), monthly during the least active period (November through March and June through August), and after rainfall events that cause surface flows (i.e., the same day or the morning after an evening rain). Inspections shall document observations of desert tortoise and sign, breaches to the fence, and needed repairs and maintenance. Any damage and repairs shall be reported within one week to the Agencies. Repairs will occur on all damaged exclusion fencing within two days; temporary fencing shall be used to close gaps until the permanent fencing is repaired. If monitoring identifies gaps in exclusion fencing that cannot be adequately closed by temporary fencing, the Permittee shall post a biological monitor at the gap until fence repairs are made.***

17. This Amendment rennumbers former Conditions 3.c.xiii through 3.c.xix as amended Conditions 3.c.xii through 3.c.xviii.

~~xiii)~~

- xii)** In washes and other areas susceptible to flash-flooding, Permittee may install "break-away" tortoise fabric. These segments shall be loosely tied to the fence on higher ground, permitting the fabric to "break-away" in the event of substantial surface flow.

~~xiv)~~

- xiii)** Permittee shall place small mesh nets, a solid high density polyethylene/polypropylene cover, or other appropriate screening over the leach pad's adjoining ponds (i.e., pregnant and barren solution ponds) to prevent tortoise access and possible injury/mortality. The coverings shall be regularly inspected and maintained by the Permittee for the duration of the project.

~~xv)~~

- xiv)** Permittee shall assure that all vehicles using the entry road shall not exceed a speed of 30 mph. Project-related vehicles or equipment operating on the mine's ancillary/non-haul roads or along the Newmont controlled entry road shall not exceed a speed limit of 25 mph. Permittee shall be responsible for enforcing this speed requirement on its

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employees, contractors, and agents. Additionally, cross-country or off-road travel shall not be permitted at any time, except under life threatening/emergency situations.

~~xvi)~~

xv) Permittee shall post and maintain desert tortoise notification and speed limit signs within the project's boundaries. Employee parking areas shall have conspicuous signs alerting personnel to the presence of tortoises. Speed limits shall be posted within the mine site and along all regularly traveled ancillary/non-haul roads.

~~xvii)~~

xvi) All employees shall inspect beneath parked vehicles and equipment prior to traveling. If a desert tortoise is encountered, no action shall be taken until either the animal has safely and voluntarily moved away from the parked vehicle or the authorized biologist has relocated the tortoise out of potential danger.

~~xviii)~~

xvii) Permittee shall flag and avoid inactive burrows that shall not undergo damage or destruction from mine expansion. Following completion of the individual support facilities, all materials utilized to mark or identify the tortoise burrows shall be promptly removed by the Permittee.

~~xix)~~

xviii) At the end of Reclamation activities, Permittee shall remove desert tortoise- proof fences.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of this Amendment will not increase the area of Covered Activities on the Project site compared to the Project as originally approved; but will implement measures addressing Authorized Biologist approval, Authorized Biologist duties, desert tortoise relocation, desert tortoise post-translocation monitoring, and exclusionary fence monitoring. It is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: The amendment authorizes a change to the permit term and a number of changes to desert tortoise monitoring, translocation, and related protocols as part of Project minimization measures. The measures are intended to address updates to

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measures based on current science and are expected to provide similar or enhanced minimization of take. Compensatory mitigation has been provided consistent with permit requirements and the Project impact area, and Project impact on the Covered Species remains unchanged.

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in August 2003 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, (2) will revise translocation procedures for desert tortoises to be in accord with current Service guidance, and will improve monitoring of desert tortoise exclusion fence at the Mesquite Mine. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.

Discussion: CDFW issued the ITP in August, 2003, as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact report certified by the Imperial County Planning Commission as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

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CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: This Amendment will change the minimization, mitigation, and monitoring measures to reflect the changes in BO 1-6-92-F22R4 that affect Authorized Biologist approval, Authorized Biologist duties, desert tortoise relocation, desert tortoise post-translocation monitoring, and exclusionary fence monitoring. These measures are now in accord with the Service Guidance. As described above, these changes will constitute a considerable change in the minimization, mitigation, and monitoring measures specified in this ITP. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on _____

12/22/2025

DocuSigned by:

Heidi Calvert

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Heidi Calvert
Regional Manager
Inland Deserts Region

Major Amendment No. 1
Incidental Take Permit 2081-2003-011-06
EQUINOX GOLD CORP.
Mesquite Mine Expansion