



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

California Endangered Species Act
Amended Incidental Take Permit No. 2081-2022-053-04
Major Amendment No. 1

GAS COMPANY ROAD SOLAR ENERGY 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: GasCo Road Solar Project, LLC
Principal Officer: Ziad Alaywan
Contact Person: Ziad Alaywan, (916) 985-9461
Mailing Address: 604 Sutter Street, Suite 250
 Folsom, California 95630

II. Amended ITP³ Background:

On December 16, 2024 the CDFW issued Incidental Take Permit No. 2081-2023-055-04 (ITP) to GasCo Road Solar Project, LLC (Permittee) authorizing take of giant kangaroo rat (*Dipodomys ingens*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), San Joaquin kit fox (*Vulpes macrotis mutica*), and Temblor legless lizard (*Anniella alexanderae*) (collectively, the Covered Species) associated with and incidental to the GasCo Road Solar Energy Storage Project in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW included the construction, operation, and maintenance of an eight-megawatt alternating current (AC) solar photovoltaic (PV) energy generation facility, a power conversion system, a battery energy storage system (BESS), and other related infrastructure, on a 55.25-acre parcel. In issuing the ITP, CDFW found, among other things,

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

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

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

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.

On May 27, 2025, the Permittee requested Major Amendment No. 1 to authorize take of western burrowing owl (*Athene cunicularia hypugaea*) during construction, operations, and maintenance associated and incidental to the Project.

CDFW now reissues this ITP (the Amended ITP). The Amended ITP includes all of the operative provisions as of the reissue date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this Major amendment (Amendment No. 1).

III. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date of signature by CDFW at the end of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2059**.

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 required Condition of Approval Permittee’s Final Mitigation Report.

IV. Project Location:

The Project is situated within a 55.25-acre parcel and a 6.45-acre parcel located on the northeast side of the City of Taft, California (Figure 1). The Project is located within the city limits of Taft in western Kern County and is located approximately 1.3 miles southwest of State Route (SR) 33, approximately 0.9 miles west of SR 119 and 30 miles west of the Temblor Mountain Range. The Project site and proposed compensation land is within the Taft United States Geological Survey (USGS) topographic

quadrangle in Sections 7 and 17 of Township 32S, Range 24E. Elevation at the Project site ranges from approximately 750 to 810 feet above mean sea level.

V. Project Description:

The Project includes the construction and operations and maintenance (O&M) of an eight-megawatt alternating current (AC) solar photovoltaic (PV) energy generation facility, a power conversion system, a battery energy storage system (BESS), and other related infrastructure. In addition to the solar PV modules arranged in arrays (PV arrays) that will be mounted on fixed-tilt ground-mounted racking or horizontal single-axis trackers (HSAT), appurtenant structures will include eight containers to house BESS’s, electrical inverters, associated transformers, power poles, all-weather access roads, paved entrances, and security fencing. Construction of the Project will result in permanent impacts to 35.98 acres of a 55.25-acre parcel, along with a 0.80-acre potential staging site within a 6.45-acre adjacent off-site parcel. Impacts within the Project construction footprint and potential staging site (totaling 36.78 acres) will be from construction of PV arrays, BESS, and related infrastructure, staging, and parking during construction activities (Figure 2).

The medium-voltage (12.47-kilovolt [kV]) power will be conveyed through underground and above ground connection lines. The Project interconnection facilities will connect to the existing utility-approved point of interconnection (POI) and will meet all necessary utility standards and requirements. All required electrical breaker systems and protective relay systems will be installed as part of the Project. Surge arrestors will be used to protect the facility and auxiliary equipment from lightning strikes or other disturbances.

Construction

The Project construction activities include the following:

- **Vegetation Removal, Grading, and Site Clearance.** Before construction, a portion of the 36.78-acre Project footprint and potential staging will undergo partial removal of scrub vegetation for PV arrays and other infrastructure. Initial vegetation removal will consist of weed whacking, grubbing, and surface grading within the security fencing. Grading will be conducted along interior access roads through the PV arrays. The staging area, road corridors, and areas for other infrastructure will be cleared and graded. Earthwork will be balanced on-site. There will be no soil trucked in or out.
- **Staging, Laydown, and Temporary Construction Offices.** The Project construction, staging, and laydown areas will occupy a maximum area of 36.78 acres within the Project site and adjacent off-site parcel. The overall laydown area will also include temporary construction offices, a first-aid station, storage trailers, worker parking, and truck loading and unloading facilities and may be used for staging modules, trackers, batteries, and inverter skids. The areas within the PV arrays will be used as the primary staging of material and equipment laydown during construction. All materials and equipment deliveries will be staggered to minimize on-site storage amounts.
- **Security fencing.** A 6-foot-tall wildlife permeable chain-link fence will be installed around the Project site. Security fence will leave a 5-inch opening between the fence mesh and the ground and will be knuckled (wrapped back to form a smooth edge) to protect wildlife that pass under the fence.
- **Access and roads (internal to the Project site).** Access to the Project will be limited to two entrances: a primary entrance from East Ash Street and a secondary entrance from Gas Company Road. The primary access will be fully improved and will include a paved entrance for about 80 feet from the current edge of pavement. The secondary access will be an emergency access point only and will also be paved. Each access point will contain a minimum of 24-foot swinging or sliding gate, and a lock box to prevent unauthorized access to the Project.

Within the Project site, 20-foot-wide interior access roads, consistent with Kern County Fire Department (KCFD) standards, will be provided between the PV arrays. The interior access roads will either receive surface grading and compacting or a layer of aggregate base.

- PV panel support structures (racks and pilings). The Project will employ crystalline solar PV technology modules mounted on either fixed-tilt ground-mount racking or on horizontal single-axis trackers. The PV arrays will be spaced approximately 29 feet apart (pile to pile). Approximately 17,000 PV modules will be installed for the Project. Approximately 1,200 piles will be embedded up to 10.5 feet into the ground. Mounting structures will be supported by galvanized steel piles, helical screws, ballasted concrete blocks, or equivalent. Final elevations from the ground to the PV arrays will be no higher than 10 feet.

- Overhead and buried electrical conduit, transmission, and collection lines. The overhead and buried electrical conduit, transmission, and collection lines will be part of the electrical system. The overhead lines will be installed at the same height as the utility distribution lines, approximately 60 feet above ground. The lines will be installed on existing wooden poles. The buried conduits will be located via trench measuring up to 4 feet wide and 3.5 feet deep.

- Battery Energy Storage System (BESS) and enclosures. Up to 0.60 acre will be used for the BESS throughout the Project site. The BESS will consist of 8 modular BESS structures, each in a container measuring up to 53 feet long, 8 feet wide, and 10 feet high, with a capacity of up to 424 square feet of battery storage per container. Each container will house arrays of lithium ion (Li-ion) batteries in an open-air style racking 7 to 9 feet high with associated wiring and controls. Each container will also have a fire rating in conformance with KCFD standards and have specialized fire suppression systems installed for the battery compartments. All non-battery compartments will have standard sprinkler systems compliant with KCFD requirements. The structure will also have heating, ventilation, and air conditioning (HVAC) cooling in areas with batteries to maintain energy efficiency. Power to the HVAC, lighting, etc., will be provided via a connection to the on-site station service transformer with connection lines installed above and/or below ground. The BESS will be unstaffed and will have remote operational control.

- Combiner boxes, electrical inverters, and transformers. Up to 30 combiner boxes will be installed that will typically measure 30x24x8 inches and will be mounted on the racking systems. Combiner boxes will combine the electrified current coming from the solar panels then be routed to the inverter (string or central inverters or both) which directs current power (from the panels/combiners) into alternative current. The alternative current has specific voltage to be transformed to match the voltage of the utility line. The final number of combiners and inverters will be determined upon final design. If string inverters are used, up to 80 inverters can be expected that will typically measure

42x24x8 inches and will be mounted on racks or concrete pads. If central inverters are used, as many as 12 central inverters are expected that are typically 8x6x2 feet and mounted on concrete pads.

- Interconnection facility with 12 interconnect poles.

The medium-voltage power will be conveyed underground or aboveground (with 12 interconnect power poles) where necessary to cross connect to the on-site interconnection facility. The Project does not include a linear generation tie-line (gen-tie) component. Pacific Gas & Electric (PG&E) will be responsible for installing a distribution pole on the outside of the Project site to connect the existing distribution line to the 12 interconnect power poles on the northwest corner of the Project site. Distribution from the Project will be via an overhead connection from the Project site to the utility lines on the south side of East Ash Street, or the west side of Gas Company Road. All required electrical breaker systems and protective relay systems will be installed as part of the Project. Surge arrestors will be used to protect the facility and auxiliary equipment from lightning strikes or other disturbances.

- Data monitoring equipment.

All field instruments and controls will be hardwired to local electrical panels. Wireless technology will be considered as a potential alternative during final Project design. The Project will have a supervisory control and data acquisition (SCADA) system that will allow for remote monitoring and control of inverters and other Project components. The SCADA system will monitor Project output and availability and run diagnostics on the equipment. The Project will also have a local overall real-time automated controller (RTAC) that will monitor the solar field, as well as monitoring the balance of facility systems. The microprocessor-based RTAC will provide control, monitoring, alarm, and data storage functions for plant systems as well as communication with the Project's SCADA system.

- Drainage and erosion control.

Existing hydrologic runoff patterns will be preserved. Upgradient stormwater runoff will not be diverted around PV arrays. Grading and other types of ground treatment will occur on up to 36.78 acres. Other types of ground treatment include actions such as compaction of areas where all weather access roads will be installed for erosion control and will not involve substantial changes to the Project site topography. Once construction is complete, the topography beneath the solar panels will be the same as the baseline condition, except in areas where soil has been compacted or rocked and isolated surface undulations have been removed by grading. The Project will also involve construction of multiple retention basins to capture stormwater within the 36.78 acre construction footprint.

- Lighting.

Project lighting, triggered by motion sensors, will be installed at ingress and egress gates and at strategic locations around the facility for security and ongoing maintenance. All Project

lighting will be shielded and directed downward. Project lighting will conform to National Electric Safety Code (NESC) requirements, and all applicable outdoor lighting codes in accordance with local ordinances.

Operation and Maintenance (O&M)

O&M activities following construction of the Project includes the following:

- Facility and Road Maintenance. Maintenance or repair will occur on an as-needed basis when deterioration of parts or damage occurs, or retrofitting becomes necessary. Supporting facilities and structures such as the PV arrays and tracking systems, security system, fencing, and access roads will require corrective maintenance or repair during the O&M phase. The electrical transmission facilities, including the medium-voltage overhead and underground lines, may also need corrective repair or maintenance. Most work will be conducted by driving pickup trucks; however, some repairs, such as those to the BESS, could require specialized equipment. Access roads will be mowed, graded, and compacted to facilitate access for maintenance and by emergency personnel during the life of the Project.
- Solar Panel Washing. Solar panels will be washed periodically throughout the year.
- Monitoring Electricity Generation. Personnel monitoring visits will occur and entail driving along established access roads for diagnostics testing and site inspection for power optimization.
- Erosion Control, Vegetation, and Debris Maintenance. Other O&M activities include erosion control maintenance, vegetation maintenance, and debris maintenance will occur at least two times a year. Vegetation maintenance may include mowing and grazing but herbicides will only be used after hand or mechanical methods have been ineffective.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ⁴
1. Giant kangaroo rat (<i>Dipodomys ingens</i> , GKR)	Endangered ⁵
2. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i> , SJAS)	Threatened ⁶
3. San Joaquin kit fox (<i>Vulpes macrotis mutica</i> , SJKF)	Threatened ⁷

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

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

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

⁷See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

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|-----------------------------------------------------------------------|------------------------|
| 4. Temblor legless lizard (<i>Anniella alexanderae</i> , TLL) | Candidate ⁸ |
| 5. Western burrowing owl (<i>Athene cunicularia hypugaea</i> , BUOW) | Candidate ⁸ |

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

VII. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include field surveys; initial grading, grubbing, vegetation removal, and cut/fill activities; construction of internal roads; ground-disturbing preparation for staging, storage areas, etc.; installation of temporary and/or permanent lighting fixtures; design and installation methods of temporary and permanent fencing; placement of concrete and asphalt for structural foundations (BESS, etc.); and operation and maintenance activities, as needed, such as the cleaning/washing of solar panels, replacement of electrical conduit line, replacement of faulty solar panels, access to, from, and within the facility; handling, salvaging, and otherwise capturing Covered Species in order to relocate, translocate, or rehabilitate injured individuals; and other Project-related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as vehicle/equipment strikes of individuals during construction; abandonment of burrows/nests during the Covered Species reproductive/nesting season due to construction, grading and hauling of materials, would could result in the loss of individuals, including young, fledglings, or eggs; collapse or excavation of occupied burrows, dens, or substrates that results in crushing or suffocation of underground individuals during trenching, grading, and compaction; entombment of individuals from deposition of materials or spoils over occupied burrows, dens, or substrates and during vegetation or soil compaction, grading activities, and development and construction of access roads; entrapment and burial within uncovered excavations; crushing by equipment; and noise and ground vibration that could cause individuals to leave or flush from burrows at inappropriate times, increasing stress, overheating, and increased exposure to predation, potentially resulting in loss of eggs, young, or fledglings due to nest abandonment or the reduced provisioning of young.

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 of the Covered Species from the capture or entrapment in holes or trenches, excavation of burrow systems, entrapment within security fencing constructed around the Project site, when eggs or individuals are salvaged after parental nest abandonment has occurred, or during capture and relocation of Covered Species out of harm’s way as required by this ITP. 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

⁸The 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.

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 or breeding success within suitable habitat, as applicable, near the Project.

The areas where authorized take of the Covered Species is expected to occur include: staging areas, excavation work areas, exclusion fencing areas, and access routes (collectively, the Project Area).

The Project is expected to cause the permanent loss of 36.78 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; temporary displacement; stress resulting from capture and relocation; increased exposure or stress from disorientation; fugitive dust; visual disturbance; long-term effects due to displacement from preferred habitat; loss of foraging habitat; loss of soil moisture and soil density; increased competition for food and space; loss of burrowing, denning, and/or microhabitats used for shelter, reproduction, and escape cover; increased human activity which could result in a reduction in prey abundance and/or availability; and increased vulnerability to disease and predation.

VIII. Incidental Take Authorization of Covered Species:

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

IX. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and

Initial Study (SCH No.: 2020060327) adopted by the City of Taft on August 19, 2020, as 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 (FESA) 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.
- 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) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist or 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) and Designated Monitor(s) described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP. CDFW may approve a Designated Monitor(s) to conduct tasks related to a specific Condition of Approval that requires a Designated Biologist(s), on a case by case basis when the Designated Monitor's resume indicates the relevant verifiable experience.

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

changed. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of 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** , **SJAS Specific Take Minimization Measures**, **SJKF Specific Take Minimization Measures**, **TLL Specific Take Minimization Measures**, and **BUOW Specific Take Minimization Measures** are knowledgeable and experienced in trapping, handling, and relocating (where applicable) the Covered Species.
- 5.2.2. 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) and Designated Monitor(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(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) and Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The

program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, 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) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction phase, 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. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M 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 the Regional Representative and Regional Office identified in the Condition of Approval Quarterly Compliance Report below. Permittee shall not apply dust suppressant, surfactant, soil binders 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 (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 Project Area 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 that area and immediately remove and dispose of the materials upon completion.
- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. All delineation materials shall be removed and disposed of properly upon completion of activities in the Project Area.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 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 Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval Project Access.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area (excluding BESS components included in the Covered Activities) 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 established designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval GKR Burrow and Precinct Avoidance, SJAS Burrow Avoidance, SJKF Den Avoidance, TLL Habitat Avoidance, and BUOW Burrow Avoidance unless approved in advance and in writing by CDFW.

- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. Lighting.** All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.
- 5.17. Herbicide Use.** Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.
- 5.18. Rodenticides, Pesticides, and Insecticides.** Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to their use.
- 5.19. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials.

5.20. 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.

5.21. Permanent Security Fencing Plan. Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval a minimum of 14 calendar days before starting Covered Activities, to the Regional Representative and Regional Office identified in the Condition of Approval Quarterly Compliance Report.

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, shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, or other design approved in writing by CDFW, to allow for Covered Species permeability and use of the Project Area once construction activities are completed. Permittee shall ensure vegetation, debris, and materials do not impact fence permeability.

6. Monitoring, Notification and Reporting Provisions:

6.1. Notification Before Commencement. The Designated Representative shall notify CDFW at least 14 days before starting both 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 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. At least one Designated Biologist(s) for each Covered Species shall be on-site daily, for the duration of the day, when Construction Covered Activities or vegetation- or ground-disturbing O&M Covered Activities occur. Vegetation- or ground-disturbing activities include any action that modifies the existing ground or vegetated

surface. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s) or Designated Monitor(s) shall be on-site during construction for a minimum of once every 14 days during periods of inactivity, after clearing, grubbing, and grading are completed. The Designated Biologist(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion and/or buffer zones;
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area;
- (6) maintain an on-going account of the number of acres that are permanently disturbed by the Project; and
- (7) document the Covered Activities that occurred.

Until completion of Construction Covered Activities and during active construction, the Designated Representative, Designated Biologist(s), or 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.

6.4. 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. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed and shall be verified by the Designated Biologist(s). The as-built plans shall be submitted in electronic format (e-mail or other available document repository/share site) to CDFW following the directions provided in the Condition of Approval Quarterly Compliance Report.

6.5. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all GKR, SJAS, and TLL handled, and all documented observations of SJKF and BUOW. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex (if determined); (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries for GKR and SJAS; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Condition of Approval Quarterly Compliance Report described below.

The Relocation Summary described in the Condition of Approval Final Mitigation Report below shall include cumulative results, analysis of data collected, and conclusions.

- 6.6. Quarterly Compliance Report (Construction Phase).** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified during Compliance Monitoring, described above, into a Quarterly Compliance Report (QCR) 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. QCRs shall be submitted via e-mail to CDFW's Regional Representative, Regional Office (RRR.R4@wildlife.ca.gov) and Headquarters CESA Program (CESA@wildlife.ca.gov). At the time of this ITP's approval, the CDFW Regional Representative is Jim Vang (jim.vang@wildlife.ca.gov). 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.
- 6.7. Annual Status Report (Construction Phase and O&M Phase).** Permittee shall provide CDFW with an Annual Status Report (ASR) 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 Reporting Period for the ASR shall be the prior calendar year. Each ASR shall include, at a minimum: (1) a summary of all QCRs for that 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 burrow, den, nest, or potentially occupied substrate 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; (8) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since ITP issuance; and (9) information about other Project impacts on the Covered Species during the Reporting Period. ASRs shall be submitted to CDFW following the directions provided in the Condition of Approval Quarterly Compliance Report.
- 6.8. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation. The Designated Biologist shall include copies of the submitted forms with

the next QCR or ASR, whichever is submitted first relative to the observation during the construction phase and copies of the submitted forms shall be submitted with the ASR during the O&M phase.

- 6.9. Construction Phase Conditions of Approval Evaluation Report.** No later than 45 days after completion of all construction activities for the solar array development area, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Designated Biologist shall prepare the 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. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the Condition of Approval Quarterly Compliance Report.
- 6.10. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.11. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by contacting 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 or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office.

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

Construction Phase Covered Activities Take Minimization Measures

- 7.1. Designated Biologist On-site.** The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species and in accordance with the 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 maintenance activities, repair 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 maintenance or repair requiring immediate attention; (3) security patrols, and (4) refueling equipment and staging material for the following day’s construction activities.

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 activities.

- 7.3. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 7.4. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species burrows, nest burrows, dens, or potentially occupied TLL substrate, except within designated staging areas for which burrows, dens, or potentially occupied TLL substrate have been excavated per Conditions of Approval GKR Burrow Excavation, SJAS Burrow Excavation, SJKF Den Excavation, TLL Pre-construction Surveys, BUOW Burrow Excavation, and/or Vegetation Removal as applicable. Vehicles left overnight shall be located outside of the applicable avoidance distances defined in Conditions of Approval GKR Burrow Avoidance, SJAS Burrow Avoidance, SJKF Den Avoidance, and BUOW Burrow Avoidance.
- 7.5. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for

the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way as authorized in this ITP and in compliance with Conditions of Approval GKR Mortality Reduction and Relocation Plan, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan, as applicable.

- 7.6. Stockpiling Materials.** Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 7.7. Pipe and Materials Inspection.** Workers shall thoroughly inspect all construction pipe, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move the 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, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan as applicable.
- 7.8. Excavation Inspection.** The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall 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. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. Each morning, the end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist(s) or Designated Monitor(s) shall thoroughly inspect them for Covered Species. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any trenches, holes, sumps, or other 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. If any worker discovers

a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. If Covered Species is unable to escape safely on its own based on the evaluation of the Designated Biologist(s) then CDFW shall be contacted for consultation and approval of methods to allow for safe removal of Covered Species.

- 7.9. On-Site Retention Basin Entrapment Prevention.** Permittee shall ensure that final design of the on-site stormwater retention 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.
- 7.10. Covered Species Observations.** All workers shall inform the Designated Biologist if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any of the Covered Species, which could harm the animals, shall cease until the Covered Species moves from the Project Area of its own accord. Alternatively, the Designated Biologist may move the Covered Species out of harm's way outside of the Project Area and in compliance with Conditions of Approval GKR Mortality Reduction and Relocation Plan, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan as applicable.
- 7.11. Covered Species Injury.** If any Covered Species life stage (including eggs) is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. 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 phone and e-mail followed by a written incident report as described in the Condition of Approval Notification of Take of Injury and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

GKR Specific Take Minimization Measures:

- 7.12. GKR Mortality Reduction and Relocation Plan.** Permittee shall submit a GKR Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review

and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s) protected by a conservation easement (unless otherwise approved by CDFW); 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 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 the duration of this ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the GKR Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

- 7.13. GKR Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (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 the GKR Trapping and Relocation Condition of Approval.
- 7.14. GKR Burrow and Precinct Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) 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 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. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.

7.15. GKR Live Trapping and Relocation. Any potential GKR burrows that cannot be avoided per Condition of Approval GKR Burrow and Precinct Avoidance shall be live trapped for at least four consecutive nights by the Designated Biologist prior to commencing ground disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist 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 shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist 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 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 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 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 shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan. The Designated Biologist 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.

7.16. GKR Burrow Excavation. Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with Condition of Approval GKR Burrow and Precinct Avoidance, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, 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.

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

SJAS Specific Take Minimization Measures:

- 7.18. SJAS Mortality Reduction and Relocation Plan.** Permittee shall submit a SJAS Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to: timing; detailed description of the burrow excavation methods; release location(s) protected by a conservation easement (unless otherwise approved by CDFW); 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 if warranted; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SJAS Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

- 7.19. SJAS Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential SJAS burrows. Permittee shall provide the results in a SJAS 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 SJAS burrow, distances to Project work areas, and the dates when SJAS trapping and relocation will occur as described in the Condition of Approval SJAS Trapping and Relocation.

- 7.20. SJAS Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around known or suspected burrows that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established; potential live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval SJAS Live Trapping and Relocation and SJAS Burrow Excavation. A buffer reduction request may be submitted to CDFW to allow for retaining burrows that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to SJAS post construction. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies and/monitoring). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.
- 7.21. SJAS Live Trapping and Relocation.** The Designated Biologist shall conduct daytime live trapping at all known or suspected SJAS burrows detected within the Project Area that cannot be avoided in accordance with Condition of Approval SJAS Burrow Avoidance prior to starting ground- or vegetation-disturbing Covered Activities, according to the approved SJAS Mortality Reduction and Relocation Plan. Covered Species shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW. The Designated Biologist shall relocate any captured SJAS to a release site identified in the CDFW-approved SJAS Species Mortality Reduction and Relocation Plan. Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent SJAS juveniles shall be released immediately and monitored for their specific burrow return and planned for either: (1) future burrow 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 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 SJAS Mortality Reduction and Relocation Plan.
- 7.22. SJAS Relocation Weather and Timing Constraints.** Permittee may submit a written request for approval to conduct trapping and relocation outside of the main activity period for the Covered Species (October 1 to March 31). The written request shall include reference to the seven-day forecast predicted by the National Weather Service demonstrating daytime high

temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (inclement weather meaning a predicted 30 percent or greater chance of precipitation). In addition, the written request shall include evidence that young of the year of SJAS (if prior to April 1) and/or adults (if after September 30) are present above ground at an approved reference site.

If trapping and relocation is approved by CDFW to occur outside of the main activity period for the Covered Species (October 1 to March 31), a Designated Biologist shall prepare daily trapping records that shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used.

Daily trapping and relocation records shall be submitted to CDFW, either daily or weekly, in accordance with CDFW's written approval to conduct trapping and relocation outside of the main activity period. Burrow excavation shall occur after the final trapping and only after CDFW has reviewed the final daily trapping records and approved burrow excavation activities.

- 7.23. SJAS Burrow Excavation.** Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with the SJAS Burrow Avoidance Condition of Approval, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, shall fully excavate by hand any known or suspected SJAS burrows that will be disturbed by ground disturbing Covered Activities, according to the CDFW-approved SJAS Mortality Reduction and Relocation Plan. Any SJAS encountered during burrow excavation shall be relocated to the approved release site(s) according to the CDFW-approved SJAS Mortality Reduction and Relocation Plan. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping in the burrow excavation area.

SJKF Specific Take Minimization Measures:

- 7.24. SJKF Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens. Pre-construction surveys shall include the entire Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved 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 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 to CDFW's Regional Representative at least five 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, and the number, map of the locations, and discussion of each potential, known, and/or natal SJKF den identified.

7.25. 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. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:

- 7.25.1. 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.
- 7.25.2. If a known SJKF den or known atypical 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.
- 7.25.3. If a potential natal SJKF 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.
- 7.25.4. If a SJKF known 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.

Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval SJKF Den Blockage, SJKF Den Excavation, SJKF Den Replacement, and SJKF Den Replacement Plan as appropriate unless otherwise approved in writing by CDFW in which a unique circumstance will be evaluated on a den-by-den basis and could require additional and/or ongoing monitoring to allow a deviation from these species-specific minimization measures.

7.26. SJKF Den Blockage. The Permittee shall 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 Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist has conducted four consecutive days of monitoring with tracking

medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from 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.

- 7.27. SJKF Den Excavation.** Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens 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 destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Dens (atypical, known, natal, and potential natal dens) to be destroyed shall be fully excavated by the Designated Biologist(s) or by the Designated Monitor(s) under direct supervision of the Designated Biologist(s). 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 destruction.
- 7.28. SJKF Den Replacement.** Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval SJKF Den Avoidance, with an artificial den. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable SJKF dens are located within a 100-meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Permittee shall install artificial den(s) before excavating known and natal SJKF dens (Condition of Approval SJKF Den Excavation) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators.

7.29. SJKF Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF dens 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. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

TLL Specific Take Minimization Measures:

7.30. TLL Mortality Reduction and Relocation Plan. Permittee shall provide CDFW with a TLL Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval prior to the start of vegetation- or ground-disturbing Covered Activities. The TLL Mortality Reduction and Relocation Plan shall include but not be limited to: **1) survey methods** for coverboard sampling including coverboard materials (e.g. carpet tiles, cardboard, particle board) to be used, coverboard dimensions, average spacing of coverboards for pre-construction survey efforts, proposed methods to wet down sampling areas and coverboards, board placement methods to ensure secure/flush placement, coverboard checking methods and raking depths, and TLL collection; **2) TLL collection and relocation methods** which shall include but not limited to hand collection methods of TLL, container sizes with proper ventilation to be used with an average depth of native soil of two inches for captured TLL, temperatures for TLL transport, information on collected TLL disposition and photo methods to document TLLs, and a coordination plan with CDFW which would allow CDFW to potentially obtain genetic material from TLL individuals ahead of TLL translocation or relocation. Any TLLs to be discovered singly shall be transported singly, any TLL found with other TLL individuals shall be transported together in the same container and relocated or translocated together; **3) proposed relocation and translocation site(s)** protected by a conservation easement (unless otherwise approved by CDFW) with associated mapping depicting areas for relocation and/or translocation with the objective to relocate TLL to the nearest area(s) of suitable habitat as possible; **4) release methods** to suitable habitats consisting of sandy or loose soil adjacent to shrubs or vegetation with shaded understory or ephemeral desert streams/drainages, soil prep techniques for release including hand-scraping away the loose soil beneath the vegetated shaded environment, placement of the TLL(s) into the excavation, and covering it back with

the excavated soil, time of day, temperature and weather criteria, and release site documentation with detailed habitat description with GPS coordinates and photos of the release location(s), etc.; **5) excavated vegetation inspection** and TLL collection methods for vegetation roots upon excavation where TLL could reside; and **6) identification of a wildlife rehabilitation center or veterinary facility** capable of and willing to treat injured TLL.

Only the Designated Biologist is authorized to capture, handle, and relocate TLL. Once the TLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the TLL Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

- 7.31. TLL Habitat Assessment Map.** Permittee shall provide CDFW with a TLL Habitat Assessment Map prepared by the Designated Biologist(s), for CDFW review and written concurrence for areas in which TLL specific take minimization measures will apply. Areas of potentially occupied, high-quality suitable habitat for TLL, will be mapped and depicted within the Project Area and shall include areas of sandy and/or friable optimal soil types, areas of any desert stream or stream sediment/material deposits, and areas of shrubs, trees, bunch grasses or brush piles and associated shaded understory. These areas shall be subject to Conditions of Approval TLL Pre-construction Surveys, TLL Habitat Avoidance and Vegetation Removal as applicable.
- 7.32. TLL Pre-construction Surveys.** TLL pre-construction surveys shall be conducted in areas of high-quality suitable habitat as identified and concurred with in the TLL Habitat Assessment Map. These areas shall be surveyed with coverboard sampling methods as approved in the TLL Mortality Reduction and Relocation Plan beginning a minimum of 30 days ahead of Project vegetation- or ground-disturbing activities (in these specific areas) unless avoided per Condition of Approval TLL Habitat Avoidance. Areas shall have coverboards placed with a proposed spacing distance specific for the sampling area(s) to be provided to CDFW in the TLL Habitat Assessment Map. Areas to be sampled with coverboard sampling methods shall be wetted down with water to an approximate depth of 2 inches to increase soil moisture in which both substrate and coverboards will be wetted and set for a minimum period of 30 days. First sampling may be conducted after a 2-week interval following initial setting. Any detected TLL in first sampling shall be collected and relocated as approved in the TLL Mortality Reduction and Relocation Plan. Sampling shall resume for a minimum of 2 consecutive weeks and coverboard checks shall occur up to 2 times per week. Sampling at a specific sampling coverboard may cease following no TLL detections at that specific sampling site. If detections are made at specific coverboard sites, continual sampling for 2-week intervals with checks up to 2 times per week shall occur at each specific coverboard

sites until negative detections at the end of the 2-week interval occur or until otherwise approved in writing by CDFW.

- 7.33. TLL Habitat Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around high-quality suitable habitat for TLL to be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, relocation shall occur in accordance with the TLL Mortality Reduction and Relocation Plan, following Conditions of Approval TLL Pre-construction Surveys, and Vegetation Removal. A buffer reduction request may be submitted to CDFW to allow for retaining habitat and/or shrubs that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to TLL post construction. Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.
- 7.34. Vegetation Removal.** Vegetation (i.e. shrubs, trees, bunch grasses, and brush piles) that create a shaded understory shall be assessed to determine areas of potential TLL occupancy. This shall be based on results of coverboard sampling and areas of suitability for TLL based on the TLL Habitat Assessment Map. Areas with vegetation determined to be suitable for TLL, shall be removed by careful hand or mechanical excavation to maintain the root zone/root wads for inspection of TLL(s) potentially occupying the soils among the root zone/root wads. Any encountered TLL shall be hand collected and prepared for relocation or translocation in accordance with the CDFW-approved TLL Mortality Reduction and Relocation Plan. Alternatively, areas of vegetation may be avoided by 50 feet from ground disturbing Covered Activities (e.g. discing, excavation or trenching, grading, bulldozing, etc.); Permittee may demark a 50-foot ESA avoidance zone and cut or clip such vegetation at the base to maintain the potentially occupied root zone.

BUOW Specific Take Minimization Measures:

- 7.35. BUOW Mortality Reduction Plan.** The Designated Biologist shall prepare a BUOW Mortality Reduction Plan and submit it to CDFW for written approval at least 30 days 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 CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

- 7.36. 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 CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the 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.

- 7.37. 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).

7.38. 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.

7.39. 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 are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.

The buffers prescribed above shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect the BUOW using known or nesting BUOW burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the nest, then the Designated Biologist may email a written request to CDFW to reduce the

buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request. If BUOW burrows cannot be avoided as described above, then the Permittee shall follow Conditions of Approval BUOW Burrow Blockage, BUOW Burrow Excavation, and BUOW Mortality Reduction Plan as appropriate.

- 7.40. 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 chicks 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.
- 7.41. 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 BUOW Burrow Blockage 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).
- 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

- 7.42. O&M Covered Activities.** Permittee shall implement all Conditions of Approval General Provisions and Monitoring, Notification and Reporting Provisions of this ITP for all ground and vegetation disturbing O&M Covered Activities as applicable.
- 7.43. O&M Covered Activities Designated Biologist On-site.** The CDFW-approved Designated Biologist(s) shall be on-site during all ground- and vegetation-disturbing activities. The Designated Biologist(s) shall be on-site during all non-emergency ground- and vegetation-disturbing Covered Activities performed at night.
- 7.44. O&M Covered Activities Work Hours.** Permittee shall restrict 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 Covered 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.
- 7.45. 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 burrows, nest burrows, precincts, dens, or remaining (post-construction) TLL mapped or suspected habitat. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval O&M Covered Activities GKR Burrow Avoidance, O&M Covered Activities SJAS Burrow Avoidance, O&M Covered Activities SJKF Den Avoidance, O&M Covered Activities TLL Habitat Avoidance, TLL Habitat Avoidance, and O&M Covered Activities BUOW Burrow Avoidance.

- 7.46. 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 pursuant to the Conditions of Approval of this ITP.
- 7.47. 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.
- 7.48. 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, 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 prior to proceeding with eviction of the Covered Species.
- 7.49. O&M of Retention Basin Entrapment Prevention.** Permittee shall ensure that Retention Basin's wildlife escape and prevention materials are maintained in effective condition. Maintenance inspections of these features shall be conducted as appropriate. Should any failures be discovered, Permittee shall make necessary repairs immediately to ensure that Covered Species can escape or are prevented from entry. If permanent repairs cannot be immediately completed (within 24 hours) then temporary repairs shall be put in place until the permanent repair can be reasonably completed. Inspection of temporary repairs shall be completed daily to ensure effectiveness of wildlife escape and/or entry exclusion until the permanent repair can be completed.
- 7.50. 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 or their habitat, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord.
- 7.51. O&M Covered Activities GKR Burrow Avoidance.** Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and/or precincts during all O&M

vegetation- or ground-disturbing Covered Activities and may include potential exclusion fencing. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval GKR Mortality Reduction and Relocation Plan, GKR Live Trapping and Relocation and GKR Burrow Excavation. If O&M Covered Activities occur where GKR are present and the 50-foot no disturbance buffer can be established, Permittee shall leave undisturbed any GKR food stores in accordance with the Condition of Approval Protection of GKR Food Stores.

- 7.52. O&M Covered Activities SJAS Burrow Avoidance.** Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows during all ground- or vegetation-disturbing O&M Covered Activities. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval SJAS Mortality Reduction and Relocation Plan, SJAS Live Trapping and Relocation, SJAS Relocation Weather and Timing Constraints, and SJAS Burrow Excavation.
- 7.53. O&M Covered Activities SJKF Den Avoidance.** Unless otherwise approved in writing by CDFW, 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.
- 7.54. O&M Covered Activities TLL Habitat Avoidance.** Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied TLL habitat areas during all vegetation- or ground-disturbing Covered Activities in intact habitat areas (e.g. not including maintained roads). If the 50-foot no disturbance buffer cannot be established, TLL habitat areas shall be sampled with coverboard methods and ground wetting as approved in the TLL Mortality Reduction and Relocation Plan for a minimum period of **14 days** (vs 30 days) while following all other approved sampling methods and subsequent sampling durations as approved in the Plan and any detected TLL be relocated as described in the TLL Mortality Reduction and Relocation Plan. Should any vegetation require removal during the O&M phase, such applicable vegetation shall be removed in accordance with the Condition of Approval Vegetation Removal.
- 7.55. O&M Covered Activities BUOW Burrow Avoidance.** Unless otherwise approved in writing by CDFW in accordance with Condition of Approval BUOW Burrow Avoidance, 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.

7.56. 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. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

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 minimum of 106 acres of Habitat Management (HM) lands 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. The Permittee has proposed a specific property as HM lands located approximately 1.60 miles southwest of the Project (APN 220-042-07) which is depicted in Figure 3. CDFW has conceptually agreed to the biological appropriateness of APN 220-042-07 as it is comprised of high-quality habitat known to be occupied by individuals of the Covered Species. Should the conservation of APN 220-042-07 be infeasible, Permittee shall ensure that an alternative minimum 106 acres of HM lands are provided which are comparable or better in habitat quality than APN 220-042-07 and are occupied by the Covered Species.

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 Security Conditions of Approval, 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:

- 8.1.1. Land acquisition costs for HM lands identified in the Habitat Management Lands Acquisition and Protection Condition of Approval below, estimated at \$5,000/acre for 106 acres: **\$530,000.00**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement estimated at: **\$268,750.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs, estimated at **\$106,676.00**;
- 8.1.4. Interim management period funding, estimated at **\$62,621.00**;
- 8.1.5. Long-term management funding, estimated at \$8,735/acre for 106 acres: **\$925,910.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead costs related to transfer of HM lands, estimated at **\$13,600.00**.
- 8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. 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 estimated at: **\$42,000.00**.

8.2. 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:

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

- 8.2.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.
- 8.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species;
- 8.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.2.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

8.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

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.

8.3. 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. 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.

- 8.3.1. 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).

CDFW will review Permittee’s written proposal and 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.

- 8.3.2. 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.

- 8.3.2.1. 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.

- 8.3.2.2. 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:

- 8.3.2.2.1. 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.
- 8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.3.2.2.3. 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.

8.3.3. 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.

8.3.4. 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.

8.4. 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 has ensured funding (Security) to complete any activity required by Condition of Approval Habitat Management Land Acquisition that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 9.1. Security Amount.** The Security shall be in the amount of **\$1,949,557.00**, 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 identified in the Condition of Approval Cost Estimates, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 9.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities or within 24 months after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal.** Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
 - Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and

- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 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.

X. Amendment:

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

XI. Stop-Work Order:

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

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

XII. Compliance with Other Laws:

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

XIII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by

email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2022-053-04) 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:

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

XIV. 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, City of Taft. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Gas Company Road Solar Energy Storage Project (Mitigated Negative Declaration and Initial Study), (SCH No.: 2020060327) dated June 16, 2020, that the City of Taft adopted for the Gas Company Road Solar Energy Storage Project on September 22, 2020. At the

time the lead agency adopted the Mitigated Negative Declaration and approved the Project it 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 Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Gas Company Road Solar Energy Storage Project (Initial Study/Mitigated Negative Declaration), consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; (4) Covered Species salvage and relocation; (5) maintenance of suitable habitat for Covered Species within the Project site post construction; (6) construction of security fencing around the Project site that is designed to be permeable for wildlife; and (7) Quarterly and Annual 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 a minimum of 106 acres of compensatory habitat that is contiguous with other 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.

At the time of issuance of this ITP, the Permittee proposed HM lands located 1.60 miles southwest of the Project that equates to a minimum of 106 acres of high-quality Covered Species habitat. Should the conservation of this parcel be infeasible, Permittee is required to provide an alternative minimum 106 acres of HM lands which are comparable or better in habitat quality than the proposed parcel and are occupied by the Covered Species.

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

XVI. Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Footprint and Design Layout
FIGURE 3	Proposed Habitat Management Land/Mitigation Site
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

ATTACHMENT 2
ATTACHMENT 3
ATTACHMENT 4
ATTACHMENT 5

Biologist Resume Form
Letter of Credit Form
Mitigation Payment Transmittal Form
Amended and Restated ITP with Track Changes

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 1/22/2026

DocuSigned by:

FA83F09FE08945A

Julie A. Vance, Regional Manager
Central Region

Incidental Take Permit – Major Amendment No. 1
No. 2081-2022-053-04
GASCO ROAD SOLAR PROJECT, LLC
GAS COMPANY ROAD SOLAR ENERGY STORAGE PROJECT

FIGURE 1
Project Vicinity Map

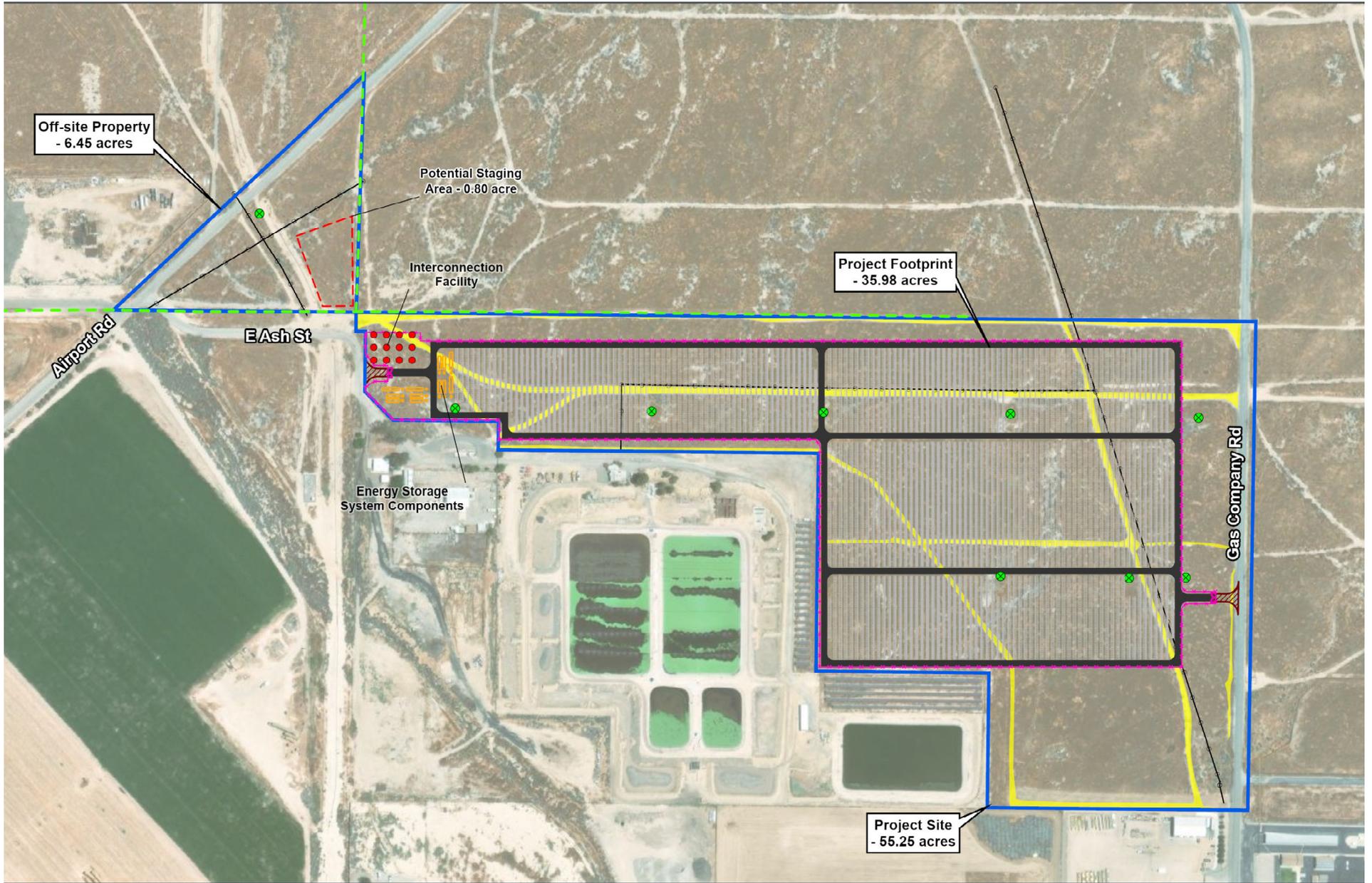
Updated Project Description for the Gas Company Road Solar Project (Application No. 2081-2022-053-04)



Figure 1. Project vicinity map.

FIGURE 2

Project Footprint and Design Layout



- Property Boundary
- Existing Gas Utility Lines
- Existing Decommissioned Oil Well
- Existing Dirt Access Roads
- PG&E Distribution Lines
- Potential Staging Area

Project Site
- 55.25 acres

Project Footprint
- 35.98 acres

Off-site Property
- 6.45 acres

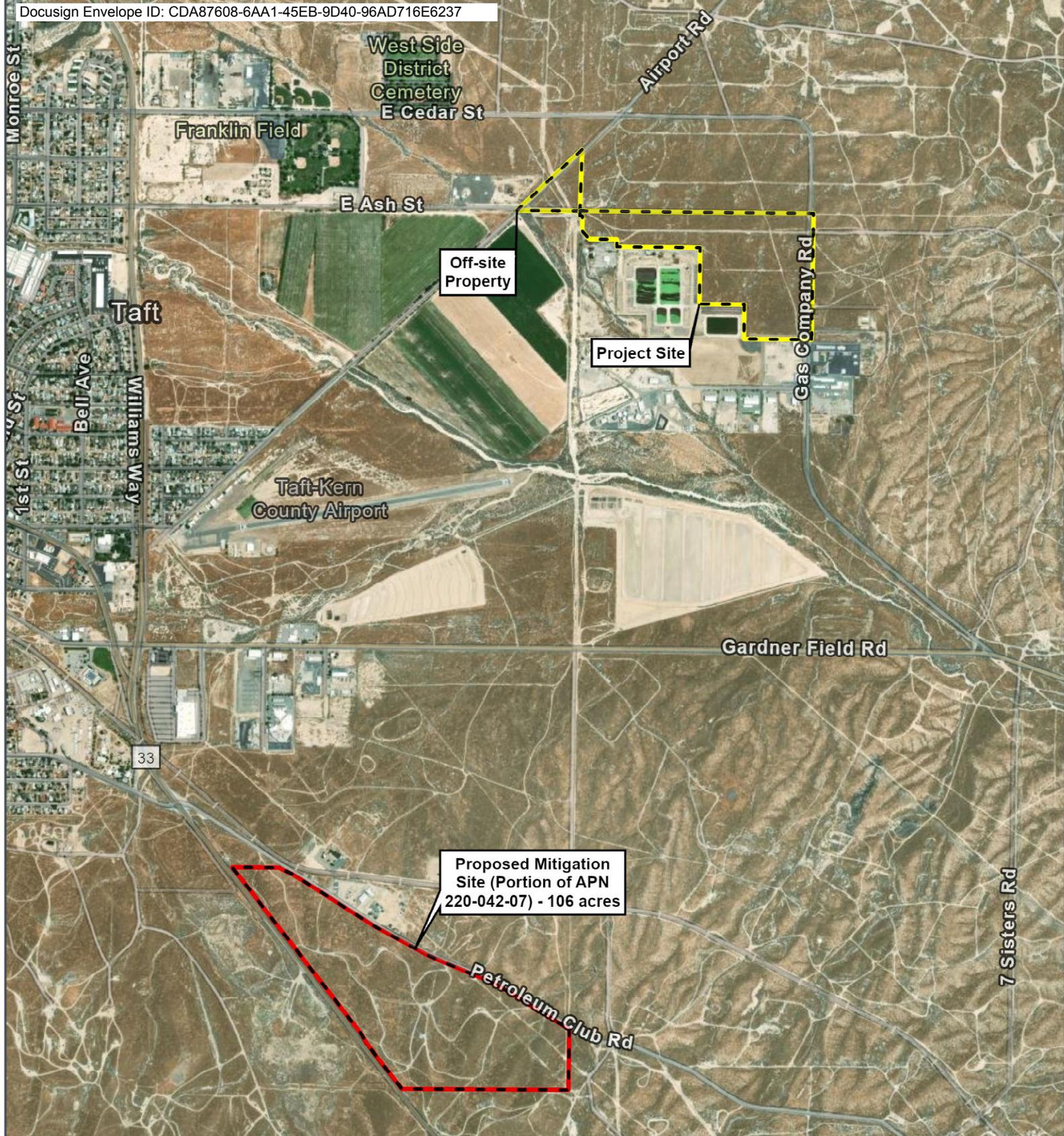
Potential Staging
Area - 0.80 acre

Interconnection
Facility

Energy Storage
System Components

FIGURE 3

Proposed Habitat Management Land/Mitigation Site



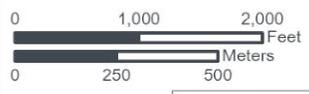
-  Proposed Mitigation Site (106 acres)
-  Project Site

City of Taft, CA
 NAD 1983 StatePlane California
 V FIPS 0405 Feet
 35.1397°N 119.4314°W

Site Plan: GASCO PROJECT,
 GAS CO ROAD, TAFT, CA 93268
 SITE PLAN by APEX Energy Solution,
 Dated: 22 October 2021
 CAD: Gas_co_Base-Astro Panels.dwg

Base Map: Esri ArcGIS Online,
 accessed December 2024
 Updated: 12/9/2024
 Project No. 76331

Layout:
 76331GasCoRdSolarEnergy Mitigation
 Aprx: 76331 gasCoRd SES



1:24,000



FIGURE 3

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. 2081-2022-053-04

PERMITTEE: GasCo Road Solar Project, LLC

PROJECT: Gas Company Road Solar Energy Storage Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
1	<p><u>Designated Representative</u>. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with 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.</p>	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
2	<p><u>Designated Biologist(s) and Designated Monitor(s)</u>. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist or 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) and Designated Monitor(s) described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP. CDFW may approve a Designated Monitor(s) to conduct tasks related to a specific Condition of Approval that requires a Designated Biologist(s), on a case by case basis when the Designated Monitor's resume indicates the relevant verifiable experience.</p> <p>Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the individual Covered Species, for which they are approved, and to minimize disturbance of that respective Covered Species' habitat.</p> <ul style="list-style-type: none"> <p><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 <u>GKR Specific Take Minimization Measures</u>, <u>SJAS Specific Take Minimization Measures</u>, <u>SJKF Specific Take Minimization Measures</u>, <u>TLL Specific Take Minimization Measures</u>, and <u>BUOW Specific Take Minimization Measures</u> are knowledgeable and experienced in trapping, handling, and relocating (where applicable) the Covered Species.</p> <p><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).</p> 	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
3	<u>Designated Biologist(s) and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) or Designated Monitor(s) shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 5.3	Entire Project	Designated Biologist(s)	
4	<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, 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 the 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	Permittee	
5	<u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction phase, which shall include a copy of the 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	During Project Construction	Designated Biologist(s)	
6	<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	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M 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 the Regional Representative and Regional Office identified in the Condition of Approval <u>Quarterly Compliance Report</u> below. Permittee shall not apply dust suppressant, surfactant, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.	ITP Condition # 5.7	Entire Project	Permittee	
8	<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural fiber, biodegradable materials.	ITP Condition # 5.8	Entire Project	Permittee	
9	<u>Delineation of Project Area 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 that area and immediately remove and dispose of the materials upon completion.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. All delineation materials shall be removed and disposed of properly upon completion of activities in the Project Area.	ITP Condition #5.10	Entire Project	Permittee	
11	<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 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 the ITP, among other reasons, if additional take of Covered Species will occur as a result of Project modification.	ITP Condition #5.11	Entire Project	Permittee	
12	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval <u>Project Access</u> .	ITP Condition #5.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area (excluding BESS components included in the Covered Activities) 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 established designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval <u>GKR Burrow and Precinct Avoidance</u> , <u>SJAS Burrow Avoidance</u> , <u>SJKF Den Avoidance</u> , <u>TLL Habitat Avoidance</u> , and <u>BUOW Burrow Avoidance</u> unless approved in advance and in writing by CDFW.	ITP Condition #5.13	Entire Project	Permittee	
14	CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition #5.14	Entire Project	Permittee	
15	Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition #5.15	Upon Completion of Covered Activities	Permittee	
16	Lighting. All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.	ITP Condition #5.16	Entire Project	Permittee	
17	Herbicide Use. Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.	ITP Condition #5.17	Entire Project	Permittee	
18	Rodenticides, Pesticides, and Insecticides. Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to their use.	ITP Condition #5.18	Entire Project	Permittee	
19	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.	ITP Conditions #5.19	Entire Project	Permittee	
20	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 <u>Education Program</u> .	ITP Conditions #5.20	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<p><u>Permanent Security Fencing Plan.</u> Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval a minimum of 14 calendar days before starting Covered Activities, to the Regional Representative and Regional Office identified in the Condition of Approval <u>Quarterly Compliance Report.</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, shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, or other design approved in writing by CDFW, to allow for Covered Species permeability and use of the Project Area once construction activities are completed. Permittee shall ensure vegetation, debris, and materials do not impact fence permeability.</p>	ITP Conditions #5.21	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<p><u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW at least 14 days before starting both 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 either phase.</p>	ITP Conditions #6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
23	<p><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 the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.</p>	ITP Conditions #6.2	Entire Project	Permittee	
24	<p><u>Compliance Monitoring.</u> At least one Designated Biologist(s) for each Covered Species shall be on-site daily, for the duration of the day, when Construction Covered Activities or vegetation- or ground-disturbing O&M Covered Activities occur. Vegetation- or ground-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s) or Designated Monitor(s) shall be on-site during construction for a minimum of once every 14 days during periods of inactivity, after clearing, grubbing, and grading are completed. The Designated Biologist(s) shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion and/or buffer zones; (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; (6) maintain an on-going account of the number of acres that are permanently disturbed by the Project; and (7) document the Covered Activities that occurred.</p> <p>Until completion of Construction Covered Activities and during active construction, the Designated Representative, Designated Biologist(s), or 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 the ITP.</p>	ITP Conditions #6.3	Entire Project	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<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. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed and shall be verified by the Designated Biologist(s). The as-built plans shall be submitted in electronic format (e-mail or other available document repository/share site) to CDFW following the directions provided in the Condition of Approval <u>Quarterly Compliance Report</u> .	ITP Conditions #6.4	Entire Project	Designated Biologist(s)	
26	<u>Record of Covered Species Relocation Efforts</u> . The Designated Biologist shall maintain a record of all GKR, SJAS, and TLL handled, and all documented observations of SJKF and BUOW. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex (if determined); (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries for GKR and SJAS; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Condition of Approval <u>Quarterly Compliance Report</u> described below. The Relocation Summary described in the Condition of Approval <u>Final Mitigation Report</u> below shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 6.5	Entire Project	Permittee	
27	<u>Quarterly Compliance Report (Construction Phase)</u> . The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified during <u>Compliance Monitoring</u> , described above, into a Quarterly Compliance Report (QCR) during the construction phase only and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. QCRs shall be submitted via e-mail to CDFW's Regional Representative, Regional Office (RRR.R4@wildlife.ca.gov) and Headquarters CESA Program (CESA@wildlife.ca.gov). At the time of the ITP's approval, the CDFW Regional Representative is Jim Vang (jim.vang@wildlife.ca.gov). 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.	ITP Condition # 6.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>Annual Status Report (Construction Phase and O&M Phase)</u> . Permittee shall provide CDFW with an Annual Status Report (ASR) 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 the ITP and continuing until CDFW accepts the Final Mitigation Report, identified below. The Reporting Period for the ASR shall be the prior calendar year. Each ASR shall include, at a minimum: (1) a summary of all <u>QCRs</u> for that Reporting Period during the construction phase; (2) a record of the <u>Education Program</u> training sessions provided over the Reporting Period; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period; (4) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow, den, nest, or potentially occupied substrate 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; (8) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since ITP issuance; and (9) information about other Project impacts on the Covered Species during the Reporting Period. ASRs shall be submitted to CDFW following the directions provided in the Condition of Approval <u>Quarterly Compliance Report</u> .	ITP Condition # 6.7	Entire Project	Designated Biologist(s)	
29	<u>CNDDDB Observations</u> . The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation. The Designated Biologist shall include copies of the submitted forms with the next QCR or ASR, whichever is submitted first relative to the observation during the construction phase and copies of the submitted forms shall be submitted with the ASR during the O&M phase.	ITP Condition # 6.8	Entire Project	Permittee	
30	<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, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Designated Biologist shall prepare the 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 this 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. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>Quarterly Compliance Report</u> .	ITP Condition # 6.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.10	After Completion of All Mitigation Measures	Permittee	
32	<u>Notification of Take or Injury</u> . Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by contacting 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 or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office.	ITP Condition # 6.11	Entire Project	Permittee	
33	<u>Designated Biologist On-site</u> . The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species and in accordance with the Condition of Approval <u>Compliance Monitoring</u> .	ITP Condition # 7.1	Entire Project	Designated Biologist(s)	
34	<u>Work Hours</u> . Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) planned and unplanned maintenance activities, repair 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 maintenance or repair requiring immediate attention; (3) security patrols, and (4) refueling equipment and staging material for the following day's construction activities. 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 activities.	ITP Condition # 7.2	Entire Project	Permittee	
35	<u>Delineation of Ingress and Egress Routes</u> . Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 7.3	Entire Project	Permittee	
36	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of Covered Species burrows, nest burrows, dens, or potentially occupied TLL substrate, except within designated staging areas for which burrows, dens, or potentially occupied TLL substrate have been excavated per Conditions of Approval <u>GKR Burrow Excavation</u> , <u>SJAS Burrow Excavation</u> , <u>SJKF Den Excavation</u> , <u>TLL Pre-construction Surveys</u> , <u>BUOW Burrow Excavation</u> , and/or <u>Vegetation Removal</u> as applicable. Vehicles left overnight shall be located outside of the applicable avoidance distances defined in Conditions of Approval <u>GKR Burrow Avoidance</u> , <u>SJAS Burrow Avoidance</u> , <u>SJKF Den Avoidance</u> , and <u>BUOW Burrow Avoidance</u> .	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way as authorized in the ITP and in compliance with Conditions of Approval <u>GKR Mortality Reduction and Relocation Plan, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan, as applicable.</u>	ITP Condition # 7.5	Entire Project	Permittee	
38	<u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 7.6	Entire Project	Designated Biologist(s)	
39	<u>Pipe and Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move the 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, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan as applicable.</u>	ITP Condition # 7.7	Entire Project	Designated Biologist(s)	
40	<u>Excavation Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall 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. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. Each morning, the end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist(s) or Designated Monitor(s) shall thoroughly inspect them for Covered Species. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any trenches, holes, sumps, or other 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. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. If Covered Species is unable to escape safely on its own based on the evaluation of the Designated Biologist(s) then CDFW shall be contacted for consultation and approval of methods to allow for safe removal of Covered Species.	ITP Condition # 7.8	Entire Project	Designated Biologist(s)/Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
41	<u>On-Site Retention Basin Entrapment Prevention</u> . Permittee shall ensure that final design of the on-site stormwater retention 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.	ITP Condition # 7.9	Before Starting Covered Activities	Permittee	
42	<u>Covered Species Observations</u> . All workers shall inform the Designated Biologist if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any of the Covered Species, which could harm the animals, shall cease until the Covered Species moves from the Project Area of its own accord. Alternatively, the Designated Biologist may move the Covered Species out of harm's way outside of the Project Area and in compliance with Conditions of Approval <u>GKR Mortality Reduction and Relocation Plan</u> , <u>SJAS Mortality Reduction and Relocation Plan</u> , <u>TLL Mortality Reduction and Relocation Plan</u> , and/or <u>BUOW Mortality Reduction Plan</u> as applicable.	ITP Condition # 7.10	Entire Project	Permittee	
43	<u>Covered Species Injury</u> . If any Covered Species life stage (including eggs) is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. 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 phone and e-mail followed by a written incident report as described in the Condition of Approval <u>Notification of Take of Injury</u> and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.	ITP Condition # 7.11	Entire Project	Permittee	
44	<u>GKR Mortality Reduction and Relocation Plan</u> . Permittee shall submit a GKR Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s) protected by a conservation easement (unless otherwise approved by CDFW); 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 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 the duration of the ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the GKR Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.	ITP Condition # 7.12	Before Starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	<u>GKR Pre-Construction Surveys and Reporting</u> . No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (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 the <u>GKR Trapping and Relocation</u> Condition of Approval.	ITP Condition # 7.13	Before Starting Covered Activities	Designated Biologist(s)	
46	<u>GKR Burrow and Precinct Avoidance</u> . The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) 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 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. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.	ITP Condition # 7.14	Entire Project	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	<p><u>GKR Live Trapping and Relocation</u>. Any potential GKR burrows that cannot be avoided per Condition of Approval <u>GKR Burrow and Precinct Avoidance</u> shall be live trapped for at least four consecutive nights by the Designated Biologist prior to commencing ground disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist 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 shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist 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 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 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 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 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 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 <u>GKR Mortality Reduction and Relocation Plan</u>.</p>	ITP Condition # 7.15	Before Starting Covered Activities/Entire Project	Designated Biologist(s)	
48	<p><u>GKR Burrow Excavation</u>. Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with Condition of Approval <u>GKR Burrow and Precinct Avoidance</u>, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, 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.</p>	ITP Condition # 7.16	Before Starting Covered Activities/Entire Project	Permittee	
49	<p><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 leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds temporarily with plywood to allow temporary vehicle or foot traffic access, or implement other measures developed in consultation with CDFW.</p>	ITP Condition # 7.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	<u>SJAS Mortality Reduction and Relocation Plan</u> . Permittee shall submit a SJAS Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to: timing; detailed description of the burrow excavation methods; release location(s) protected by a conservation easement (unless otherwise approved by CDFW); 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 if warranted; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SJAS Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.	ITP Condition # 7.18	Before Starting Covered Activities	Permittee	
51	<u>SJAS Pre-Construction Surveys and Reporting</u> . No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential SJAS burrows. Permittee shall provide the results in a SJAS 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 SJAS burrow, distances to Project work areas, and the dates when SJAS trapping and relocation will occur as described in the Condition of Approval <u>SJAS Trapping and Relocation</u> .	ITP Condition # 7.19	Before Starting Covered Activities	Designated Biologist(s)	
52	<u>SJAS Burrow Avoidance</u> . The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around known or suspected burrows that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established; potential live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval <u>SJAS Live Trapping and Relocation</u> and <u>SJAS Burrow Excavation</u> . A buffer reduction request may be submitted to CDFW to allow for retaining burrows that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to SJAS post construction. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies and/monitoring). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.	ITP Condition # 7.20	Entire Project	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	<p><u>SJAS Live Trapping and Relocation</u>. The Designated Biologist shall conduct daytime live trapping at all known or suspected SJAS burrows detected within the Project Area that cannot be avoided in accordance with Condition of Approval <u>SJAS Burrow Avoidance</u> prior to starting ground- or vegetation-disturbing Covered Activities, according to the approved SJAS Mortality Reduction and Relocation Plan. Covered Species shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW. The Designated Biologist shall relocate any captured SJAS to a release site identified in the CDFW-approved <u>SJAS Species Mortality Reduction and Relocation Plan</u>. Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent SJAS juveniles shall be released immediately and monitored for their specific burrow return and planned for either: (1) future burrow 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 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 <u>SJAS Mortality Reduction and Relocation Plan</u>.</p>	ITP Condition # 7.21	Before Starting Covered Activities	Designated Biologist(s)	
54	<p><u>SJAS Relocation Weather and Timing Constraints</u>. Permittee may submit a written request for approval to conduct trapping and relocation outside of the main activity period for the Covered Species (October 1 to March 31). The written request shall include reference to the seven-day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (inclement weather meaning a predicted 30 percent or greater chance of precipitation). In addition, the written request shall include evidence that young of the year of SJAS (if prior to April 1) and/or adults (if after September 30) are present above ground at an approved reference site.</p> <p>If trapping and relocation is approved by CDFW to occur outside of the main activity period for the Covered Species (October 1 to March 31), a Designated Biologist shall prepare daily trapping records that shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used.</p> <p>Daily trapping and relocation records shall be submitted to CDFW, either daily or weekly, in accordance with CDFW's written approval to conduct trapping and relocation outside of the main activity period. Burrow excavation shall occur after the final trapping and only after CDFW has reviewed the final daily trapping records and approved burrow excavation activities.</p>	ITP Condition # 7.22	Entire Project	Designated Biologist(s)	
55	<p><u>SJAS Burrow Excavation</u>. Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with the <u>SJAS Burrow Avoidance</u> Condition of Approval, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, shall fully excavate by hand any known or suspected SJAS burrows that will be disturbed by ground disturbing Covered Activities, according to the CDFW-approved <u>SJAS Mortality Reduction and Relocation Plan</u>. Any SJAS encountered during burrow excavation shall be relocated to the approved release site(s) according to the CDFW-approved <u>SJAS Mortality Reduction and Relocation Plan</u>. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping in the burrow excavation area.</p>	ITP Condition # 7.23	Before Starting Covered Activities	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
56	<p><u>SJKF Pre-Construction Surveys and Reporting</u>. No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens. Pre-construction surveys shall include the entire Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved 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 to CDFW's Regional Representative at least five 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, and the number, map of the locations, and discussion of each potential, known, and/or natal SJKF den identified.</p>	ITP Condition # 7.24	Before Starting Covered Activities	Designated Biologist(s)	
57	<p><u>SJKF Den Avoidance</u>. 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. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:</p> <ul style="list-style-type: none"> • 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 or known atypical 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 natal SJKF 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 SJKF known 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. <p>Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval <u>SJKF Den Blockage</u>, <u>SJKF Den Excavation</u>, <u>SJKF Den Replacement</u>, and <u>SJKF Den Replacement Plan</u> as appropriate unless otherwise approved in writing by CDFW in which a unique circumstance will be evaluated on a den-by-den basis and could require additional and/or ongoing monitoring to allow a deviation from these species-specific minimization measures.</p>	ITP Condition # 7.25	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
58	<u>SJKF Den Blockage</u> . The Permittee shall 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 Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from 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.	ITP Condition # 7.26	Entire Project	Permittee	
59	<u>SJKF Den Excavation</u> . Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens 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 destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Dens (atypical, known, natal, and potential natal dens) to be destroyed shall be fully excavated by the Designated Biologist(s) or by the Designated Monitor(s) under direct supervision of the Designated Biologist(s). 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 destruction.	ITP Condition # 7.27	Before Starting Covered Activities	Designated Biologist(s)	
60	<u>SJKF Den Replacement</u> . Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval <u>SJKF Den Avoidance</u> , with an artificial den. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable SJKF dens are located within a 100-meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Permittee shall install artificial den(s) before excavating known and natal SJKF dens (Condition of Approval <u>SJKF Den Excavation</u>) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators.	ITP Condition # 7.28	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
61	<p><u>SJKF Den Replacement Plan</u>. Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF dens 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. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.</p>	ITP Condition # 7.29	Before Starting Covered Activities	Permittee	
62	<p><u>TLL Mortality Reduction and Relocation Plan</u>. Permittee shall provide CDFW with a TLL Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval prior to the start of vegetation- or ground-disturbing Covered Activities. The TLL Mortality Reduction and Relocation Plan shall include but not be limited to: 1) survey methods for coverboard sampling including coverboard materials (e.g. carpet tiles, cardboard, particle board) to be used, coverboard dimensions, average spacing of coverboards for pre-construction survey efforts, proposed methods to wet down sampling areas and coverboards, board placement methods to ensure secure/flush placement, coverboard checking methods and raking depths, and TLL collection; 2) TLL collection and relocation methods which shall include but not limited to hand collection methods of TLL, container sizes with proper ventilation to be used with an average depth of native soil of two inches for captured TLL, temperatures for TLL transport, information on collected TLL disposition and photo methods to document TLLs, and a coordination plan with CDFW which would allow CDFW to potentially obtain genetic material from TLL individuals ahead of TLL translocation or relocation. Any TLLs to be discovered singly shall be transported singly, any TLL found with other TLL individuals shall be transported together in the same container and relocated or translocated together; 3) proposed relocation and translocation site(s) protected by a conservation easement (unless otherwise approved by CDFW) with associated mapping depicting areas for relocation and/or translocation with the objective to relocate TLL to the nearest area(s) of suitable habitat as possible; 4) release methods to suitable habitats consisting of sandy or loose soil adjacent to shrubs or vegetation with shaded understory or ephemeral desert streams/drainages, soil prep techniques for release including hand-scraping away the loose soil beneath the vegetated shaded environment, placement of the TLL(s) into the excavation, and covering it back with the excavated soil, time of day, temperature and weather criteria, and release site documentation with detailed habitat description with GPS coordinates and photos of the release location(s), etc.; 5) excavated vegetation inspection and TLL collection methods for vegetation roots upon excavation where TLL could reside; and 6) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured TLL.</p> <p>Only the Designated Biologist is authorized to capture, handle, and relocate TLL. Once the TLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the TLL Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.</p>	ITP Condition # 7.30	Before Starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
63	<u>TLL Habitat Assessment Map</u> . Permittee shall provide CDFW with a TLL Habitat Assessment Map prepared by the Designated Biologist(s), for CDFW review and written concurrence for areas in which TLL specific take minimization measures will apply. Areas of potentially occupied, high-quality suitable habitat for TLL, will be mapped and depicted within the Project Area and shall include areas of sandy and/or friable optimal soil types, areas of any desert stream or stream sediment/material deposits, and areas of shrubs, trees, bunch grasses or brush piles and associated shaded understory. These areas shall be subject to Conditions of Approval <u>TLL Pre-construction Surveys</u> , <u>TLL Habitat Avoidance</u> and <u>Vegetation Removal</u> as applicable.	ITP Condition # 7.31	Before Starting Covered Activities	Permittee	
64	<u>TLL Pre-construction Surveys</u> . TLL pre-construction surveys shall be conducted in areas of high-quality suitable habitat as identified and concurred with in the <u>TLL Habitat Assessment Map</u> . These areas shall be surveyed with coverboard sampling methods as approved in the <u>TLL Mortality Reduction and Relocation Plan</u> beginning a minimum of 30 days ahead of Project vegetation- or ground-disturbing activities (in these specific areas) unless avoided per Condition of Approval <u>TLL Habitat Avoidance</u> . Areas shall have coverboards placed with a proposed spacing distance specific for the sampling area(s) to be provided to CDFW in the <u>TLL Habitat Assessment Map</u> . Areas to be sampled with coverboard sampling methods shall be wetted down with water to an approximate depth of 2 inches to increase soil moisture in which both substrate and coverboards will be wetted and set for a minimum period of 30 days. First sampling may be conducted after a 2-week interval following initial setting. Any detected TLL in first sampling shall be collected and relocated as approved in the <u>TLL Mortality Reduction and Relocation Plan</u> . Sampling shall resume for a minimum of 2 consecutive weeks and coverboard checks shall occur up to 2 times per week. Sampling at a specific sampling coverboard may cease following no TLL detections at that specific sampling site. If detections are made at specific coverboard sites, continual sampling for 2-week intervals with checks up to 2 times per week shall occur at each specific coverboard sites until negative detections at the end of the 2-week interval occur or until otherwise approved in writing by CDFW.	ITP Condition # 7.32	Before Starting Covered Activities	Designated Biologist(s)	
65	<u>TLL Habitat Avoidance</u> . The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around high-quality suitable habitat for TLL to be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, relocation shall occur in accordance with the <u>TLL Mortality Reduction and Relocation Plan</u> , following Conditions of Approval <u>TLL Pre-construction Surveys</u> , and <u>Vegetation Removal</u> . A buffer reduction request may be submitted to CDFW to allow for retaining habitat and/or shrubs that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to TLL post construction. Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.	ITP Condition # 7.33	Entire Project	Designated Biologist(s)	
66	<u>Vegetation Removal</u> . Vegetation (i.e. shrubs, trees, bunch grasses, and brush piles) that create a shaded understory shall be assessed to determine areas of potential TLL occupancy. This shall be based on results of coverboard sampling and areas of suitability for TLL based on the <u>TLL Habitat Assessment Map</u> . Areas with vegetation determined to be suitable for TLL, shall be removed by careful hand or mechanical excavation to maintain the root zone/root wads for inspection of TLL(s) potentially occupying the soils among the root zone/root wads. Any encountered TLL shall be hand collected and prepared for relocation or translocation in accordance with the CDFW-approved <u>TLL Mortality Reduction and Relocation Plan</u> . Alternatively, areas of vegetation may be avoided by 50 feet from ground disturbing Covered Activities (e.g. discing, excavation or trenching, grading, bulldozing, etc.); Permittee may demark a 50-foot ESA avoidance zone and cut or clip such vegetation at the base to maintain the potentially occupied root zone.	ITP Condition # 7.34	Before Starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
67	<p><u>BUOW Mortality Reduction Plan</u>. The Designated Biologist shall prepare a BUOW Mortality Reduction Plan and submit it to CDFW for written approval at least 30 days 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.</p> <p>Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.</p>	ITP Condition # 7.35	Before Starting Covered Activities/Entire Project	Designated Biologist(s)	
68	<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 the ITP unless CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the 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 # 7.36	Before Starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
69	<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).	ITP Condition # 7.37	Before Starting Covered Activities	Designated Biologist(s)	
70	<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.	ITP Condition # 7.38	Before Starting Covered Activities	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
71	<p><u>BUOW Burrow Avoidance.</u> 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 are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.</p> <p>The buffers prescribed above shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect the BUOW using known or nesting BUOW burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the nest, then the Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request. If BUOW burrows cannot be avoided as described above, then the Permittee shall follow Conditions of Approval <u>BUOW Burrow Blockage</u>, <u>BUOW Burrow Excavation</u>, and <u>BUOW Mortality Reduction Plan</u> as appropriate.</p>	ITP Condition # 7.39	Entire Project	Permittee	
72	<p><u>BUOW Burrow Blockage.</u> 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 <u>BUOW Burrow Avoidance</u>, 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 chicks 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 # 7.40	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
73	<p><u>BUOW Burrow Excavation</u>. 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>BUOW Burrow Blockage</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 # 7.41	Before Starting Covered Activities	Designated Biologist(s)	
74	<u>O&M Covered Activities</u> . Permittee shall implement all Conditions of Approval <u>General Provisions</u> and <u>Monitoring, Notification and Reporting Provisions</u> of the ITP for all ground and vegetation disturbing O&M Covered Activities as applicable.	ITP Condition # 7.42	Entire Project	Permittee	
75	<u>O&M Covered Activities Designated Biologist On-site</u> . The CDFW-approved Designated Biologist(s) shall be on-site during all ground- and vegetation-disturbing activities. The Designated Biologist(s) shall be on-site during all non-emergency ground- and vegetation-disturbing Covered Activities performed at night.	ITP Condition # 7.43	Entire Project	Designated Biologist(s)	
76	<u>O&M Covered Activities Work Hours</u> . Permittee shall restrict 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 Covered 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 # 7.44	Entire Project	Permittee	
77	<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 burrows, nest burrows, precincts, dens, or remaining (post-construction) TLL mapped or suspected habitat. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval <u>O&M Covered Activities GKR Burrow Avoidance</u> , <u>O&M Covered Activities SJAS Burrow Avoidance</u> , <u>O&M Covered Activities SJKF Den Avoidance</u> , <u>O&M Covered Activities TLL Habitat Avoidance</u> , <u>TLL Habitat Avoidance</u> , and <u>O&M Covered Activities BUOW Burrow Avoidance</u> .	ITP Condition # 7.45	Entire Project	Permittee	
78	<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 pursuant to the Conditions of Approval of the ITP.	ITP Condition # 7.46	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
79	<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 <u>Permanent Security Fencing Plan.</u>	ITP Condition # 7.47	Entire Project	Permittee	
80	<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, 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 prior to proceeding with eviction of the Covered Species.	ITP Condition # 7.48	Entire Project	Permittee	
81	<u>O&M of Retention Basin Entrapment Prevention.</u> Permittee shall ensure that Retention Basin's wildlife escape and prevention materials are maintained in effective condition. Maintenance inspections of these features shall be conducted as appropriate. Should any failures be discovered, Permittee shall make necessary repairs immediately to ensure that Covered Species can escape or are prevented from entry. If permanent repairs cannot be immediately completed (within 24 hours) then temporary repairs shall be put in place until the permanent repair can be reasonably completed. Inspection of temporary repairs shall be completed daily to ensure effectiveness of wildlife escape and/or entry exclusion until the permanent repair can be completed.	ITP Condition # 7.49	Entire Project	Permittee	
82	<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 or their habitat, 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 # 7.50	Entire Project	Permittee	
83	<u>O&M Covered Activities GKR Burrow Avoidance.</u> Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and/or precincts during all O&M vegetation- or ground-disturbing Covered Activities and may include potential exclusion fencing. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval <u>GKR Mortality Reduction and Relocation Plan, GKR Live Trapping and Relocation and GKR Burrow Excavation.</u> If O&M Covered Activities occur where GKR are present and the 50-foot no disturbance buffer can be established, Permittee shall leave undisturbed any GKR food stores in accordance with the Condition of Approval <u>Protection of GKR Food Stores.</u>	ITP Condition # 7.51	Entire Project	Permittee	
84	<u>O&M Covered Activities SJAS Burrow Avoidance.</u> Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows during all ground- or vegetation-disturbing O&M Covered Activities. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval <u>SJAS Mortality Reduction and Relocation Plan, SJAS Live Trapping and Relocation, SJAS Relocation Weather and Timing Constraints, and SJAS Burrow Excavation.</u>	ITP Condition # 7.52	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
85	<u>O&M Covered Activities SJKF Den Avoidance</u> . Unless otherwise approved in writing by CDFW, 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 # 7.53	Entire Project	Permittee	
86	<u>O&M Covered Activities TLL Habitat Avoidance</u> . Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied TLL habitat areas during all vegetation- or ground-disturbing Covered Activities in intact habitat areas (e.g. not including maintained roads). If the 50-foot no disturbance buffer cannot be established, TLL habitat areas shall be sampled with coverboard methods and ground wetting as approved in the <u>TLL Mortality Reduction and Relocation Plan</u> for a minimum period of 14 days (vs 30 days) while following all other approved sampling methods and subsequent sampling durations as approved in the Plan and any detected TLL be relocated as described in the <u>TLL Mortality Reduction and Relocation Plan</u> . Should any vegetation require removal during the O&M phase, such applicable vegetation shall be removed in accordance with the Condition of Approval <u>Vegetation Removal</u> .	ITP Condition # 7.54	Entire Project	Permittee	
87	<u>O&M Covered Activities BUOW Burrow Avoidance</u> . Unless otherwise approved in writing by CDFW in accordance with Condition of Approval <u>BUOW Burrow Avoidance</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 # 7.55	Entire Project	Permittee	
88	<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> . If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.	ITP Condition # 7.56	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
89	<p><u>Habitat Management Land Acquisition</u>. CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result 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 minimum of 106 acres of Habitat Management (HM) lands 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>. The Permittee has proposed a specific property as HM lands located approximately 1.60 miles southwest of the Project (APN 220-042-07) which is depicted in Figure 3. CDFW has conceptually agreed to the biological appropriateness of APN 220-042-07 as it is comprised of high-quality habitat known to be occupied by individuals of the Covered Species. Should the conservation of APN 220-042-07 be infeasible, Permittee shall ensure that an alternative minimum 106 acres of HM lands are provided which are comparable or better in habitat quality than APN 220-042-07 and are occupied by the Covered Species.</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 the ITP if Security is provided pursuant to the Security Conditions of Approval, for all uncompleted obligations.</p>	ITP Condition # 8	Before Starting Covered Activities	Permittee	
90	<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 <u>Habitat Management Lands Acquisition and Protection</u> Condition of Approval below, estimated at \$5,000/acre for 106 acres: \$530,000.00. 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 estimated at: \$268,750.00; • Start-up costs for HM lands, including initial site protection and enhancement costs, estimated at \$106,676.00; • Interim management period funding, estimated at \$62,621.00; • Long-term management funding, estimated at \$8,735/acre for 106 acres: \$925,910.00. 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 costs related to transfer of HM lands, estimated at \$13,600.00; • 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. 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 estimated at: \$42,000.00 	ITP Condition # 8.1	Before Starting Covered Activities	Permittee	

<p>91</p>	<p><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:</p> <ul style="list-style-type: none"> • <u>Fee Title</u>. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. • <u>Conservation Easement</u>. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement. • <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. • <u>HM Lands Documentation</u>. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services. • <u>Land Manager</u>. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion. • <u>Start-up Activities</u>. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; 	<p>ITP Condition # 8.2</p>	<p>Before Starting Covered Activities</p>	<p>Permittee</p>	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>(6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.</p> <ul style="list-style-type: none"> • <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>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>				
92	<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 the 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 the ITP, the conservation easement, and the management plan. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the 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 the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 8.3	Before Starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
93	<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>CDFW will review Permittee's written proposal and 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.</p>	ITP Condition # 8.3.1	Before Starting Covered Activities	Permittee	
94	<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> <ul style="list-style-type: none"> • <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. • <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: <ul style="list-style-type: none"> ○ <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. ○ <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. ○ <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Condition # 8.3.2	Before Starting Covered Activities	Permittee	
95	<p><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.</p>	ITP Condition # 8.3.3	Before Starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
96	<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	ITP Condition # 8.3.4	Entire Project	Permittee	
97	<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of the ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Condition # 8.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
98	<p>Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval <u>Habitat Management Land Acquisition</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> • <u>Security Amount.</u> The Security shall be in the amount of \$1,949,557.00, 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 identified in the Condition of Approval <u>Cost Estimates</u>, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. • <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. • <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities or within 24 months after the effective date of the ITP, whichever occurs first. • <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. • <u>Security Transmittal.</u> Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. • <u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP. • <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> ○ Written documentation of the acquisition of the HM lands; ○ Copies of all executed and recorded conservation easements; ○ Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and ○ Timely submission of all required reports <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the 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 Condition # 9	Before Starting Covered Activities	Permittee	

ATTACHMENT 2

Biologist Resume Form



Department of Fish and Wildlife

BIOLOGIST RESUME FORM

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

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

SECTION I. NAME AND CONTACT INFORMATION

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

SECTION II. EDUCATION

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

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

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

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

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

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

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

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

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

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

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

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

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

⁷ CNDDDB is the abbreviation for California Natural Diversity Database.

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

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

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

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

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

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

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

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

ATTACHMENT 3

Letter of Credit Form

[Financial institution letterhead]IRREVOCABLE STANDBY LETTER OF CREDIT
NO. **[number issued by financial institution]**Issue Date: **[date]**

Beneficiary:

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

Amount: U.S. \$**[dollar number]** **[(dollar amount)]**Expiry: **[Date]** at our counters

Dear Sirs:

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

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Manager of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.

16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the laws of the State of California.

17. This Credit shall, if not canceled, expire on [**expiration date**], or any extended expiration date.

18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.

19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____

Name: _____

Title: _____

Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT 4

Mitigation Payment Transmittal Form

State of California - Department of Fish and Wildlife
MITIGATION PAYMENT TRANSMITTAL FORM
 DFW 1057 (NEW 07/28/17)

Project Applicant Instructions: Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and ASB Mitigation Tracking Number (if available) on the attached payment type.

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

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

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

Project Tracking Number

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

Check information:

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

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

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

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

ATTACHMENT 5

Amended and Restated ITP with Track Changes



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

California Endangered Species Act
 Amended Incidental Take Permit No. 2081-2022-053-04
Major Amendment No. 1

GAS COMPANY ROAD SOLAR ENERGY 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: GasCo Road Solar Project, LLC
Principal Officer: Ziad Alaywan
Contact Person: Ziad Alaywan, (916) 985-9461
Mailing Address: 604 Sutter Street, Suite 250
 Folsom, California 95630

II. Amended ITP³ Background:

On December 16, 2024 the CDFW issued Incidental Take Permit No. 2081-2023-055-04 (ITP) to GasCo Road Solar Project, LLC (Permittee) authorizing take of giant kangaroo rat (*Dipodomys ingens*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), San Joaquin kit fox (*Vulpes macrotis mutica*), and Temblor legless lizard (*Anniella alexanderae*) (collectively, the Covered Species) associated with and incidental to the GasCo Road Solar Energy Storage Project in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW included the construction, operation, and maintenance of an eight-megawatt alternating current (AC) solar photovoltaic (PV) energy generation facility, a power conversion system, a battery energy storage system (BESS), and other related infrastructure, on a 55.25-acre parcel. In issuing the ITP, CDFW found, among other things,

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

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

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

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.

On May 27, 2025, the Permittee requested Major Amendment No. 1 to authorize take of western burrowing owl (*Athene cunicularia hypugaea*) during construction, operations, and maintenance associated and incidental to the Project.

CDFW now reissues this ITP (the Amended ITP). The Amended ITP includes all of the operative provisions as of the reissue date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this Major amendment (Amendment No. 1).

III. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date of signature by CDFW at the end of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2059**.

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 required Condition of Approval Permittee's Final Mitigation Report.

IV. Project Location:

The Project is situated within a 55.25-acre parcel and a 6.45-acre parcel located on the northeast side of the City of Taft, California (Figure 1). The Project is located within the city limits of Taft in western Kern County and is located approximately 1.3 miles southwest of State Route (SR) 33, approximately 0.9 miles west of SR 119 and 30 miles west of the Temblor Mountain Range. The Project site and proposed compensation land is within the Taft United States Geological Survey (USGS) topographic

quadrangle in Sections 7 and 17 of Township 32S, Range 24E. Elevation at the Project site ranges from approximately 750 to 810 feet above mean sea level.

V. Project Description:

The Project includes the construction and operations and maintenance (O&M) of an eight-megawatt alternating current (AC) solar photovoltaic (PV) energy generation facility, a power conversion system, a battery energy storage system (BESS), and other related infrastructure. In addition to the solar PV modules arranged in arrays (PV arrays) that will be mounted on fixed-tilt ground-mounted racking or horizontal single-axis trackers (HSAT), appurtenant structures will include eight containers to house BESS's, electrical inverters, associated transformers, power poles, all-weather access roads, paved entrances, and security fencing. Construction of the Project will result in permanent impacts to 35.98 acres of a 55.25-acre parcel, along with a 0.80-acre potential staging site within a 6.45-acre adjacent off-site parcel. Impacts within the Project construction footprint and potential staging site (totaling 36.78 acres) will be from construction of PV arrays, BESS, and related infrastructure, staging, and parking during construction activities (Figure 2).

The medium-voltage (12.47-kilovolt [kV]) power will be conveyed through underground and above ground connection lines. The Project interconnection facilities will connect to the existing utility-approved point of interconnection (POI) and will meet all necessary utility standards and requirements. All required electrical breaker systems and protective relay systems will be installed as part of the Project. Surge arrestors will be used to protect the facility and auxiliary equipment from lightning strikes or other disturbances.

Construction

The Project construction activities include the following:

Vegetation Removal, Grading, and Site Clearance. Before construction, a portion of the 36.78-acre Project footprint and potential staging will undergo partial removal of scrub vegetation for PV arrays and other infrastructure. Initial vegetation removal will consist of weed whacking, grubbing, and surface grading within the security fencing. Grading will be conducted along interior access roads through the PV arrays. The staging area, road corridors, and areas for other infrastructure will be cleared and graded. Earthwork will be balanced on-site. There will be no soil trucked in or out.

- Staging, Laydown, and Temporary Construction Offices. The Project construction, staging, and laydown areas will occupy a maximum area of 36.78 acres within the Project site and adjacent off-site parcel. The overall laydown area will also include temporary construction offices, a first-aid station, storage trailers, worker parking, and truck loading and unloading facilities and may be used for staging modules, trackers, batteries, and inverter skids. The areas within the PV arrays will be used as the primary staging of material and equipment laydown during construction. All materials and equipment deliveries will be staggered to minimize on-site storage amounts.
- Security fencing. A 6-foot-tall wildlife permeable chain-link fence will be installed around the Project site. Security fence will leave a 5-inch opening between the fence mesh and the ground and will be knuckled (wrapped back to form a smooth edge) to protect wildlife that pass under the fence.
- Access and roads (internal to the Project site). Access to the Project will be limited to two entrances: a primary entrance from East Ash Street and a secondary entrance from Gas Company Road. The primary access will be fully improved and will include a paved entrance for about 80 feet from the current edge of pavement. The secondary access will be an emergency access point only and will also be paved. Each access point will contain a minimum of 24-foot swinging or sliding gate, and a lock box to prevent unauthorized access to the Project.

Within the Project site, 20-foot-wide interior access roads, consistent with Kern County Fire Department (KCFD) standards, will be provided between the PV arrays. The interior access roads will either receive surface grading and compacting or a layer of aggregate base.

- PV panel support structures (racks and pilings). The Project will employ crystalline solar PV technology modules mounted on either fixed-tilt ground-mount racking or on horizontal single-axis trackers. The PV arrays will be spaced approximately 29 feet apart (pile to pile). Approximately 17,000 PV modules will be installed for the Project. Approximately 1,200 piles will be embedded up to 10.5 feet into the ground. Mounting structures will be supported by galvanized steel piles, helical screws, ballasted concrete blocks, or equivalent. Final elevations from the ground to the PV arrays will be no higher than 10 feet.
- Overhead and buried electrical conduit, transmission, and collection lines. The overhead and buried electrical conduit, transmission, and collection lines will be part of the electrical system. The overhead lines will be installed at the same height as the utility distribution lines, approximately 60 feet above ground. The lines will be installed on existing wooden poles. The buried conduits will be located via trench measuring up to 4 feet wide and 3.5 feet deep.
- Battery Energy Storage System (BESS) and enclosures. Up to 0.60 acre will be used for the BESS throughout the Project site. The BESS will consist of 8 modular BESS structures, each in a container measuring up to 53 feet long, 8 feet wide, and 10 feet high, with a capacity of up to 424 square feet of battery storage per container. Each container will house arrays of lithium ion (Li-ion) batteries in an open-air style racking 7 to 9 feet high with associated wiring and controls. Each container will also have a fire rating in conformance with KCFD standards and have specialized fire suppression systems installed for the battery compartments. All non-battery compartments will have standard sprinkler systems compliant with KCFD requirements. The structure will also have heating, ventilation, and air conditioning (HVAC) cooling in areas with batteries to maintain energy efficiency. Power to the HVAC, lighting, etc., will be provided via a connection to the on-site station service transformer with connection lines installed above and/or below ground. The BESS will be unstaffed and will have remote operational control.
- Combiner boxes, electrical inverters, and transformers. Up to 30 combiner boxes will be installed that will typically measure 30x24x8 inches and will be mounted on the racking systems. Combiner boxes will combine the electrified current coming from the solar panels then be routed to the inverter (string or central inverters or both) which directs current power (from the panels/combiners) into alternative current. The alternative current has specific voltage to be transformed to match the voltage of the utility line. The final number of combiners and inverters will be determined upon final design. If string inverters are used, up to 80 inverters can be expected that will typically measure

42x24x8 inches and will be mounted on racks or concrete pads. If central inverters are used, as many as 12 central inverters are expected that are typically 8x6x2 feet and mounted on concrete pads.

- Interconnection facility with 12 interconnect poles.

The medium-voltage power will be conveyed underground or aboveground (with 12 interconnect power poles) where necessary to cross connect to the on-site interconnection facility. The Project does not include a linear generation tie-line (gen-tie) component. Pacific Gas & Electric (PG&E) will be responsible for installing a distribution pole on the outside of the Project site to connect the existing distribution line to the 12 interconnect power poles on the northwest corner of the Project site. Distribution from the Project will be via an overhead connection from the Project site to the utility lines on the south side of East Ash Street, or the west side of Gas Company Road. All required electrical breaker systems and protective relay systems will be installed as part of the Project. Surge arrestors will be used to protect the facility and auxiliary equipment from lightning strikes or other disturbances.

- Data monitoring equipment.

All field instruments and controls will be hardwired to local electrical panels. Wireless technology will be considered as a potential alternative during final Project design. The Project will have a supervisory control and data acquisition (SCADA) system that will allow for remote monitoring and control of inverters and other Project components. The SCADA system will monitor Project output and availability and run diagnostics on the equipment. The Project will also have a local overall real-time automated controller (RTAC) that will monitor the solar field, as well as monitoring the balance of facility systems. The microprocessor-based RTAC will provide control, monitoring, alarm, and data storage functions for plant systems as well as communication with the Project's SCADA system.

- Drainage and erosion control.

Existing hydrologic runoff patterns will be preserved. Upgradient stormwater runoff will not be diverted around PV arrays. Grading and other types of ground treatment will occur on up to 36.78 acres. Other types of ground treatment include actions such as compaction of areas where all weather access roads will be installed for erosion control and will not involve substantial changes to the Project site topography. Once construction is complete, the topography beneath the solar panels will be the same as the baseline condition, except in areas where soil has been compacted or rocked and isolated surface undulations have been removed by grading. The Project will also involve construction of multiple retention basins to capture stormwater within the 36.78 acre construction footprint.

- Lighting.

Project lighting, triggered by motion sensors, will be installed at ingress and egress gates and at strategic locations around the facility for security and ongoing maintenance. All Project

lighting will be shielded and directed downward. Project lighting will conform to National Electric Safety Code (NESC) requirements, and all applicable outdoor lighting codes in accordance with local ordinances.

Operation and Maintenance (O&M)

O&M activities following construction of the Project includes the following:

- **Facility and Road Maintenance.** Maintenance or repair will occur on an as-needed basis when deterioration of parts or damage occurs, or retrofitting becomes necessary. Supporting facilities and structures such as the PV arrays and tracking systems, security system, fencing, and access roads will require corrective maintenance or repair during the O&M phase. The electrical transmission facilities, including the medium-voltage overhead and underground lines, may also need corrective repair or maintenance. Most work will be conducted by driving pickup trucks; however, some repairs, such as those to the BESS, could require specialized equipment. Access roads will be mowed, graded, and compacted to facilitate access for maintenance and by emergency personnel during the life of the Project.
- **Solar Panel Washing.** Solar panels will be washed periodically throughout the year.
- **Monitoring Electricity Generation.** Personnel monitoring visits will occur and entail driving along established access roads for diagnostics testing and site inspection for power optimization.
- **Erosion Control, Vegetation, and Debris Maintenance.** Other O&M activities include erosion control maintenance, vegetation maintenance, and debris maintenance will occur at least two times a year. Vegetation maintenance may include mowing and grazing but herbicides will only be used after hand or mechanical methods have been ineffective.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ⁴
1. Giant kangaroo rat (<i>Dipodomys ingens</i> , GKR)	Endangered ⁵
2. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i> , SJAS)	Threatened ⁶
3. San Joaquin kit fox (<i>Vulpes macrotis mutica</i> , SJKF)	Threatened ⁷

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

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

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

⁷See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

- | | |
|----------------------------------------------------------------------------|------------------------------|
| 4. Temblor legless lizard (<i>Anniella alexanderae</i> , TLL) | Candidate ⁸ |
| 5. <u>Western burrowing owl (<i>Athene cunicularia hypuqaea</i>, BUOW)</u> | <u>Candidate⁸</u> |

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

VII. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include field surveys; initial grading, grubbing, vegetation removal, and cut/fill activities; construction of internal roads; ground-disturbing preparation for staging, storage areas, etc.; installation of temporary and/or permanent lighting fixtures; design and installation methods of temporary and permanent fencing; placement of concrete and asphalt for structural foundations (BESS, etc.); and operation and maintenance activities, as needed, such as the cleaning/washing of solar panels, replacement of electrical conduit line, replacement of faulty solar panels, access to, from, and within the facility; handling, salvaging, and otherwise capturing Covered Species in order to relocate, translocate, or rehabilitate injured individuals; and other Project-related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as vehicle/equipment strikes of individuals during construction; abandonment of burrows/nests during the Covered Species reproductive/nesting season due to construction, grading and hauling of materials, would could resulting of in the loss of individuals, including 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; collapse or excavation of occupied burrows, dens, or substrates that results in crushing or suffocation of underground individuals during trenching, grading, and compaction; entombment of individuals from deposition of materials or spoils over occupied burrows, dens, or substrates and during vegetation or soil compaction, grading activities, and development and construction of access roads; entrapment and burial within uncovered excavations; crushing by equipment; and vehicle strikes due to increased Project related traffic noise and ground vibration that could cause individuals to leave or flush from burrows at inappropriate times, increasing stress, overheating, and increased exposure to predation, potentially resulting in and subsequent loss of eggs, young, or fledglings due to nest abandonment or the reduced provisioning of young.

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 of the Covered Species from the capture or entrapment in holes or trenches, excavation of burrow systems, entrapment within security fencing

⁸The 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.

constructed around the Project site, and when eggs or individuals are salvaged after parental nest abandonment has occurred, or during capture and relocation of Covered Species out of harm's way as required by this ITP. 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 breeding success within suitable burrow habitat, as applicable, near the Project.

The areas where authorized take of the Covered Species is expected to occur include: staging areas, excavation work areas, exclusion fencing areas, and access routes (collectively, the Project Area).

The Project is expected to cause the permanent loss of 36.78 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; temporary displacement; stress resulting from capture and relocation; increased exposure or stress from disorientation; fugitive dust; visual disturbance; long-term effects due to displacement from preferred habitat; loss of foraging habitat; loss of soil moisture and soil density; increased competition for food and space; loss of burrowing, denning, and/or microhabitats used for shelter, reproduction, and escape cover; increased human activity which could result in a reduction in prey abundance and/or availability; and increased vulnerability to disease and predation.

VIII. Incidental Take Authorization of Covered Species:

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

IX. Conditions of Approval:

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

Incidental Take Permit – Major Amendment No. 1
No. 2081-2022-053-04

GASCO ROAD SOLAR PROJECT, LLC
GAS COMPANY ROAD SOLAR ENERGY STORAGE PROJECT

- 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 Mitigated Negative Declaration and Initial Study (SCH No.: 2020060327) adopted by the City of Taft on August 19, 2020, as 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 (FESA) 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.
- 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) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist or 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) and Designated Monitor(s) described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP. [CDFW may approve a Designated Monitor\(s\) to conduct tasks related to a specific Condition of Approval that requires a](#)

Designated Biologist(s), on a case by case basis when the Designated Monitor’s resume indicates the relevant verifiable experience.

Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of 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**, **SJAS Specific Take Minimization Measures**, **SJKF Specific Take Minimization Measures**, **TLL Specific Take Minimization Measures**, and **BUOW Specific Take Minimization Measures** are knowledgeable and experienced in trapping, handling, and relocating (where applicable) the Covered Species.

5.2.2. 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).

~~Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 14 days before starting Covered Activities. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).~~

~~Designated Monitor responsibilities will be restricted to specific Conditions of Approval, indicated by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. Permittee shall provide to CDFW the Designated Biologist’s experience with collecting, handling, and excavating burrows to minimize mortality of GKR~~

~~and SJAS, experience with the eviction and excavation of dens being actively used by SJKF, as well as experience with surveying for and handling of TLL (or equivalent experience), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.~~

- 5.3. Designated Biologist(s) and Designated Monitor(s) Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) 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) and Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, [wildfire risk to Covered Species](#), ~~its~~ [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) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction phase, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site 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. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M 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 the Regional Representative and Regional Office identified in the Condition of Approval Quarterly Compliance Report below. Permittee shall not apply dust suppressant, surfactant, soil binders 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 (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 Project Area 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 that area and immediately remove and dispose of the materials upon completion.

- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. All delineation materials shall be removed and disposed of properly upon completion of activities in the Project Area.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 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 Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval Project Access.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area (excluding BESS components included in the Covered Activities) 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 established designated staging areas and shall not occur within [the applicable avoidance distances as defined in Conditions of Approval GKR Burrow and Precinct Avoidance, SJAS Burrow Avoidance, SJKF Den Avoidance, TLL Habitat Avoidance, and BUOW Burrow Avoidance](#) ~~200 feet of potential Covered Species burrows, dens, and or sandy soil substrates~~ unless approved in advance and in writing by CDFW.

- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. Lighting.** All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.
- 5.17. Herbicide Use.** Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.
- 5.18. Rodenticides, Pesticides, and Insecticides.** Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to their use.
- 5.19. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials.
- 5.20. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding ~~the fire hazards~~ for wildlife as part of the Condition of Approval Education Program.
- 5.21. Permanent Security Fencing Plan.** Permittee or Permittee's contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval a minimum of 14 calendar days before starting Covered Activities, to the Regional

Representative and Regional Office identified in the Condition of Approval Quarterly Compliance Report.

The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, ~~and~~ post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel “blocks” and the Project Area as a whole, shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, or other design approved in writing by CDFW, to allow for Covered Species permeability and use of the Project Area once construction activities are completed. Permittee shall ensure vegetation, debris, and materials do not impact fence permeability.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW at least 14 days before starting both 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 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~~ At least one Designated Biologist(s) for each Covered Species shall be on-site daily, for the duration of the day, when Construction Covered Activities or vegetation- or ground-disturbing O&M Covered Activities occur. Vegetation- or ground-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s) or Designated Monitor(s) shall be on-site during construction for a minimum of once every 14 days during periods of inactivity, after clearing, grubbing, and grading are completed. The Designated Biologist(s) shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion and/or buffer zones; (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; (6) maintain an on-going account of the number of acres

that are permanently disturbed by the Project; and (7) document the Covered Activities that occurred.

Until completion of Construction Covered Activities and during active construction, the Designated Representative, Designated Biologist(s), or 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.

- 6.4. 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. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed and shall be verified by the Designated Biologist(s). The as-built plans shall be submitted in electronic format (e-mail or other available document repository/share site) to CDFW following the directions provided in the Condition of Approval Quarterly Compliance Report.
- 6.5. Record of Covered Species Relocation Efforts.** The Designated Biologist shall maintain a record of all GKR, SJAS, and TLL handled, and all documented observations of SJKF and BUOW. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex (if determined); (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries for GKR and SJAS; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Condition of Approval Quarterly Compliance Report described below. The Relocation Summary described in the Condition of Approval Final Mitigation Report below shall include cumulative results, analysis of data collected, and conclusions.
- 6.6. Quarterly Compliance Report (Construction Phase).** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified during Compliance Monitoring, described above, into a Quarterly Compliance Report (QCR) 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. QCRs shall be submitted via e-mail to CDFW's Regional Representative, Regional Office (RRR.R4@wildlife.ca.gov) and Headquarters CESA Program (CESA@wildlife.ca.gov). At the

time of this ITP's approval, the CDFW Regional Representative is Jim Vang (jim.vang@wildlife.ca.gov). 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.

- 6.7. Annual Status Report (Construction Phase and O&M Phase).** Permittee shall provide CDFW with an Annual Status Report (ASR) 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 Reporting Period for the ASR shall be the prior calendar year. Each ASR shall include, at a minimum: (1) a summary of all QCRs for that 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 burrow, den, nest, or potentially occupied substrate 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; (8) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since ITP issuance; and (9) information about other Project impacts on the Covered Species during the Reporting Period. ASRs shall be submitted to CDFW following the directions provided in the Condition of Approval Quarterly Compliance Report.
- 6.8. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation. The Designated Biologist shall include copies of the submitted forms with the next QCR or ASR, whichever is submitted first relative to the observation during the construction phase and copies of the submitted forms shall be submitted with the ASR during the O&M phase.
- 6.9. Construction Phase Conditions of Approval Evaluation Report.** No later than 45 days after completion of all construction activities for the solar array development area, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Designated Biologist shall prepare the 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. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the Condition of Approval Quarterly Compliance Report.

6.10. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP’s Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

6.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by contacting 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 or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office.

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

Construction Phase Covered Activities Take Minimization Measures

- 7.1. Designated Biologist On-site.** The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species and in accordance with the 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 maintenance activities, repair 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 maintenance or repair requiring immediate attention; (3) security patrols, and (4) refueling equipment and staging material for the following day's construction activities.
- 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 activities.
- 7.3. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 7.4. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species burrows, nest burrows, dens, or potentially occupied TLL substrate, except within designated staging areas for which burrows, dens, or potentially occupied TLL substrate have been excavated per Conditions of Approval GKR Burrow Excavation, SJAS Burrow Excavation, SJKF Den Excavation, TLL Pre-construction Surveys, BUOW Burrow Excavation, and/or Vegetation Removal as applicable. Vehicles left overnight shall be located outside of the applicable avoidance distances defined in Conditions of Approval GKR Burrow Avoidance, SJAS Burrow Avoidance, SJKF Den Avoidance, and BUOW Burrow Avoidance.
- 7.5. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way as authorized in this ITP and in compliance with Conditions of Approval GKR Mortality Reduction and Relocation Plan, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan, as applicable.

- 7.6. Stockpiling Materials.** Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 7.7. Pipe and Materials Inspection.** Workers shall thoroughly inspect all construction pipe, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move the 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, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan as applicable.
- 7.8. Excavation Inspection.** The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall 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. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. Each morning, the end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist(s) or Designated Monitor(s) shall thoroughly inspect them for Covered Species. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any trenches, holes, sumps, or other 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. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. If Covered Species is unable to escape safely on its own based on the evaluation of the Designated Biologist(s) then CDFW shall be contacted for consultation and approval of methods to allow for safe removal of Covered

Species.

7.9. On-Site Retention Basin Entrapment Prevention. Permittee shall ensure that final design of the on-site stormwater retention 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.

7.10. Covered Species Observations. All workers shall inform the Designated Biologist if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any of the Covered Species, which could harm the animals, shall cease until the Covered Species moves from the Project Area of its own accord. [Alternatively, the Designated Biologist may move the Covered Species out of harm's way outside of the Project Area and in compliance with Conditions of Approval GKR Mortality Reduction and Relocation Plan, SJAS Mortality Reduction and Relocation Plan, TLL Mortality Reduction and Relocation Plan, and/or BUOW Mortality Reduction Plan as applicable.](#)

~~7.11.~~ **Covered Species Injury.** If any Covered Species [life stage \(including eggs\)](#) is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. 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 phone and e-mail followed by a written incident report as described in the Condition of Approval Notification of Take of Injury, and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

~~7.12, 7.11.~~ **Covered Species Buffer Reduction.** [The buffers prescribed in the below Conditions of Approval GKR Burrow Avoidance, SJAS Burrow Avoidance, SJKF Den Avoidance, TLL Habitat 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) 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.~~

GKR Specific Take Minimization Measures:

7-13.7.12. GKR Mortality Reduction and Relocation Plan. Permittee shall submit a GKR Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s) protected by a conservation easement (unless otherwise approved by CDFW); 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 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 the duration of this ITP unless ~~CDFW determines that updates are needed~~^{updated} ~~by CDFW~~ to reflect best available science ~~and/or to update mitigation and conservation strategies~~ in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the GKR Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

7-14.7.13. GKR Pre-Construction Surveys and Reporting. No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (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 the GKR Trapping and Relocation Condition of Approval.

7.15.7.14. GKR Burrow and Precinct Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) 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 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. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.

7.16.7.15. GKR Live Trapping and Relocation. Any potential GKR burrows that cannot be avoided per Condition of Approval GKR Burrow and Precinct Avoidance shall be live trapped for at least four consecutive nights by the Designated Biologist prior to commencing ground disturbing Covered Activities. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist 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 shall check all traps set during this time for occupancy at least every 3 hours between sunset and sunrise. The Designated Biologist 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 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 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 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 shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan. The Designated Biologist 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.

7-17-7.16. GKR Burrow Excavation. Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with Condition of Approval GKR Burrow and Precinct Avoidance, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, 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.

7-18-7.17. 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 leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds temporarily with plywood to allow temporary vehicle or foot traffic access, or implement other measures developed in consultation with CDFW.

SJAS Specific Take Minimization Measures:

7-19-7.18. SJAS Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 calendar days before starting Covered Activities. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to: timing; detailed description of the burrow excavation methods; release location(s) protected by a conservation easement (unless otherwise approved by CDFW); 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 if warranted; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan

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

~~7-20~~7.19. SJAS Pre-Construction Surveys and Reporting. No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys in the Project Area and 50 feet beyond the limits of the Project Area (unless otherwise approved in writing by CDFW) to identify, flag, and map all potential SJAS burrows. Permittee shall provide the results in a SJAS 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 SJAS burrow, distances to Project work areas, and the dates when SJAS trapping and relocation will occur as described in the Condition of Approval SJAS Trapping and Relocation.

~~7-21~~7.20. SJAS Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around known or suspected burrows that will be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established; potential live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval SJAS Live Trapping and Relocation and SJAS Burrow Excavation. A buffer reduction request may be submitted to CDFW to allow for retaining burrows that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to SJAS post construction. Such requests should consider additional exclusion methods (e.g., exclusion fence strategies and/monitoring). Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.

~~7-22~~7.21. SJAS Live Trapping and Relocation. The Designated Biologist shall conduct daytime live trapping at all known or suspected SJAS burrows detected within the Project Area that cannot be avoided in accordance with Condition of Approval SJAS Burrow Avoidance prior to starting ground- or vegetation-disturbing Covered Activities, according to the approved SJAS Mortality Reduction and Relocation Plan. Covered Species shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW. The Designated Biologist shall relocate any captured SJAS to a release site identified in the CDFW-approved SJAS Species Mortality Reduction and Relocation Plan. Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86-degree Fahrenheit criterion and only when temperatures are

predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent SJAS juveniles shall be released immediately and monitored for their specific burrow return and planned for either: (1) future burrow 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 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 SJAS Mortality Reduction and Relocation Plan.

7-23.7.22. SJAS Relocation Weather and Timing Constraints. Permittee may submit a written request for approval to conduct trapping and relocation outside of the main activity period for the Covered Species (October 1 to March 31). The written request shall include reference to the seven-day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (inclement weather meaning a predicted 30 percent or greater chance of precipitation). In addition, the written request shall include evidence that young of the year of SJAS (if prior to April 1) and/or adults (if after September 30) are present above ground at an approved reference site.

If trapping and relocation is approved by CDFW to occur outside of the main activity period for the Covered Species (October 1 to March 31), a Designated Biologist shall prepare daily trapping records that shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used.

Daily trapping and relocation records shall be submitted to CDFW, either daily or weekly, in accordance with CDFW's written approval to conduct trapping and relocation outside of the main activity period. Burrow excavation shall occur after the final trapping and only after CDFW has reviewed the final daily trapping records and approved burrow excavation activities.

7-24.7.23. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address burrows that cannot be avoided, in accordance with the SJAS Burrow Avoidance Condition of Approval, and prior to beginning ground disturbing Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, shall fully excavate by hand any known or suspected SJAS burrows that will be disturbed by ground disturbing Covered Activities, according to the CDFW-approved SJAS Mortality Reduction and Relocation Plan. Any SJAS encountered during burrow excavation shall be relocated to the approved release site(s) according to the CDFW-approved SJAS Mortality Reduction and Relocation Plan. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping in the burrow excavation area.

SJKF Specific Take Minimization Measures:

7.25.7.24. **SJKF Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities, the Designated Biologist(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens. Pre-construction surveys shall include the entire Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved 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 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 to CDFW's Regional Representative at least five 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, and the number, map of the locations, and discussion of each potential, known, and/or natal SJKF den identified.

7.26.7.25. **SJKF Den Avoidance.** The Permittee shall notify ~~USFWS and~~ 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. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:

7.26.1.7.25.1. 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.

7.26.2.7.25.2. If a known SJKF den or known atypical 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.

7.26.3.7.25.3. If a potential natal SJKF 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.

7.26.4.7.25.4. If a SJKF known 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.

Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity and increased no-disturbance buffers will be determined by the Designated Biologist(s) ~~or Designated Surveyor(s)~~ based on their behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval SJKF Den Blockage, SJKF Den Excavation, SJKF Den Replacement, and SJKF Den Replacement Plan as appropriate unless otherwise approved in writing by CDFW in which a unique circumstance will be evaluated on a den-by-den basis and could require additional and/or ongoing monitoring to allow a deviation from these species-specific minimization measures.

7.27.7.26. SJKF Den Blockage. The Permittee shall 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 Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence ~~from the USFWS and~~ 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.

7.27. SJKF Den Excavation. Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) ~~or Designated Surveyor(s)~~ has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from ~~USFWS and~~ CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Dens (atypical, known, natal, and potential natal dens) to be destroyed shall be fully excavated by the Designated Biologist(s) or by the Designated Monitor(s) under direct supervision of the Designated Biologist(s). 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, ~~USFWS and~~ CDFW shall be consulted, and Permittee shall obtain written guidance from both agencies prior to proceeding with den destruction.

- 7.28. SJKF Den Replacement.** Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval SJKF Den Avoidance, with an artificial den. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable SJKF dens are located within a 100-meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Permittee shall install artificial den(s) before excavating known and natal SJKF dens (Condition of Approval SJKF Den Excavation) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators.
- 7.29. SJKF Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF dens 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. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

TLL Specific Take Minimization Measures:

- 7.30. TLL Mortality Reduction and Relocation Plan.** Permittee shall provide CDFW with a TLL Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval prior to the start of vegetation- or ground-disturbing Covered Activities. The TLL Mortality Reduction and Relocation Plan shall include but not be limited to: **1) survey methods** for coverboard sampling including coverboard materials (e.g. carpet tiles, cardboard, particle board) to be used, coverboard dimensions, average spacing of coverboards for pre-construction survey efforts, proposed methods to wet down sampling areas and coverboards, board placement methods to ensure secure/flush placement,

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coverboard checking methods and raking depths, and TLL collection; **2) TLL collection and relocation methods** which shall include but not limited to hand collection methods of TLL, container sizes with proper ventilation to be used with an average depth of native soil of two inches for captured TLL, temperatures for TLL transport, information on collected TLL disposition and photo methods to document TLLs, and a coordination plan with CDFW which would allow CDFW to potentially obtain genetic material from TLL individuals ahead of TLL translocation or relocation. Any TLLs to be discovered singly shall be transported singly, any TLL found with other TLL individuals shall be transported together in the same container and relocated or translocated together; **3) proposed relocation and translocation site(s)** protected by a conservation easement (unless otherwise approved by CDFW) with associated mapping depicting areas for relocation and/or translocation with the objective to relocate TLL to the nearest area(s) of suitable habitat as possible; **4) release methods** to suitable habitats consisting of sandy or loose soil adjacent to shrubs or vegetation with shaded understory or ephemeral desert streams/drainages, soil prep techniques for release including hand-scraping away the loose soil beneath the vegetated shaded environment, placement of the TLL(s) into the excavation, and covering it back with the excavated soil, time of day, temperature and weather criteria, and release site documentation with detailed habitat description with GPS coordinates and photos of the release location(s), etc.; **5) excavated vegetation inspection** and TLL collection methods for vegetation roots upon excavation where TLL could reside; and **6) identification of a wildlife rehabilitation center or veterinary facility** capable of and willing to treat injured TLL.

Only the Designated Biologist is authorized to capture, handle, and relocate TLL. Once the TLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless CDFW determines that updates are needed~~updated by CDFW~~ to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the TLL Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

- 7.31. TLL Habitat Assessment Map.** Permittee shall provide CDFW with a TLL Habitat Assessment Map prepared by the Designated Biologist(s), for CDFW review and written concurrence for areas in which TLL specific take minimization measures will apply. Areas of potentially occupied, high-quality suitable habitat for TLL, will be mapped and depicted within the Project Area and shall include areas of sandy and/or friable optimal soil types, areas of any desert stream or stream sediment/material deposits, and areas of shrubs, trees, bunch grasses or brush piles and associated shaded understory. These areas shall be subject to Conditions of Approval TLL Pre-construction Surveys, TLL Habitat Avoidance and Vegetation Removal as applicable.

- 7.32. TLL Pre-construction Surveys.** TLL pre-construction surveys shall be conducted in areas of high-quality suitable habitat as identified and concurred with in the TLL Habitat Assessment Map. These areas shall be surveyed with coverboard sampling methods as approved in the TLL Mortality Reduction and Relocation Plan beginning a minimum of 30 days ahead of Project vegetation- or ground-disturbing activities (in these specific areas) unless avoided per Condition of Approval TLL Habitat Avoidance. Areas shall have coverboards placed with a proposed spacing distance specific for the sampling area(s) to be provided to CDFW in the TLL Habitat Assessment Map. Areas to be sampled with coverboard sampling methods shall be wetted down with water to an approximate depth of 2 inches to increase soil moisture in which both substrate and coverboards will be wetted and set for a minimum period of 30 days. First sampling may be conducted after a 2-week interval following initial setting. Any detected TLL in first sampling shall be collected and relocated as approved in the TLL Mortality Reduction and Relocation Plan. Sampling shall resume for a minimum of 2 consecutive weeks and coverboard checks shall occur up to 2 times per week. Sampling at a specific sampling coverboard may cease following no TLL detections at that specific sampling site. If detections are made at specific coverboard sites, continual sampling for 2-week intervals with checks up to 2 times per week shall occur at each specific coverboard sites until negative detections at the end of the 2-week interval occur or until otherwise approved in writing by CDFW.
- 7.33. TLL Habitat Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around high-quality suitable habitat for TLL to be impacted by vegetation- or ground-disturbing Covered Activities. If a 50-foot no-disturbance buffer cannot be established, relocation shall occur in accordance with the TLL Mortality Reduction and Relocation Plan, following Conditions of Approval TLL Pre-construction Surveys, and Vegetation Removal. A buffer reduction request may be submitted to CDFW to allow for retaining habitat and/or shrubs that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to TLL post construction. Buffer reduction requests shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any buffer reduction activities.
- 7.34. Vegetation Removal.** Vegetation (i.e. shrubs, trees, bunch grasses, and brush piles) that create a shaded understory shall be assessed to determine areas of potential TLL occupancy. This shall be based on results of coverboard sampling and areas of suitability for TLL based on the TLL Habitat Assessment Map. Areas with vegetation determined to be suitable for TLL, shall be removed by careful hand or mechanical excavation to maintain the root zone/root wads for inspection of TLL(s) potentially occupying the soils among the root zone/root wads. Any encountered TLL shall be hand collected and prepared for relocation or translocation in accordance with the CDFW-approved TLL Mortality Reduction and Relocation Plan. Alternatively, areas of vegetation may be avoided by 50 feet from ground disturbing Covered Activities (e.g. discing, excavation or trenching, grading, bulldozing,

etc.); Permittee may demark a 50-foot ESA avoidance zone and cut or clip such vegetation at the base to maintain the potentially occupied root zone.

BUOW Specific Take Minimization Measures:

7.35. BUOW Mortality Reduction Plan. The Designated Biologist shall prepare a BUOW Mortality Reduction Plan and submit it to CDFW for written approval at least 30 days 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 CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

7.36. 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 CDFW determines that updates are needed to reflect best available science and/or to update mitigation and conservation strategies in

which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the 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.

7.37. 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).

7.38. 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.

7.39. 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 are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.

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

7.40. 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 chicks 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.

7.41. 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 BUOW Burrow Blockage 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).

- 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

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

7.36.7.43. O&M Covered Activities Designated Biologist On-site. The CDFW-approved Designated Biologist(s) shall be on-site during all ground- and vegetation-disturbing activities. The Designated Biologist(s) shall be on-site during all non-emergency ground- and vegetation-disturbing Covered Activities performed at night.

~~7.37.7.44.~~ O&M Covered Activities Work Hours. Permittee shall restrict 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~~ Covered 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.

~~7.38.7.45.~~ O&M Covered Activities Vehicle Parking. During all O&M Covered Activities ~~or Covered Species specific take minimization measures,~~ Permittee shall not allow vehicles to park on top of potential Covered Species burrows, nest burrows, precincts, dens, or remaining (post-construction) TLL mapped or suspected habitat. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval O&M Covered Activities GKR Burrow Avoidance, O&M Covered Activities SJAS Burrow Avoidance, O&M Covered Activities SJKF Den Avoidance, O&M Covered Activities TLL Habitat Avoidance, TLL Habitat Avoidance, and O&M Covered Activities BUOW Burrow Avoidance. ~~Vehicles left overnight shall not be located within 50 feet of Covered Species burrows or precincts, dens (known or potential), or remaining TLL mapped or suspected habitat.~~

7.46. 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 pursuant to the Conditions of Approval of this ITP.

~~7.39.7.47.~~ 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.

~~7.40.7.48.~~ 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, 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 prior to proceeding with eviction of the Covered Species.

7.41.7.49. O&M of Retention Basin Entrapment Prevention. Permittee shall ensure that Retention Basin’s wildlife escape and prevention materials are maintained in effective condition. Maintenance inspections of these features shall be conducted as appropriate. Should any failures be discovered, Permittee shall make necessary repairs immediately to ensure that Covered Species can escape or are prevented from entry. If permanent repairs cannot be immediately completed (within 24 hours) then temporary repairs shall be put in place until the permanent repair can be reasonably completed. Inspection of temporary repairs shall be completed daily to ensure effectiveness of wildlife escape and/or entry exclusion until the permanent repair can be completed.

7.42.7.50. O&M Covered Activities Covered Species Observations. During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species or their habitat, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord.

7.43.7.51. O&M Covered Activities GKR Burrow Avoidance. Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and/or precincts during all O&M vegetation- or ground-disturbing Covered Activities and may include potential exclusion fencing. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval GKR Mortality Reduction and Relocation Plan, GKR Live Trapping and Relocation and GKR Burrow Excavation. If O&M Covered Activities occur where GKR are present and the 50-foot no disturbance buffer can be established, Permittee shall leave undisturbed any GKR food stores in accordance with the Condition of Approval Protection of GKR Food Stores.

7.44.7.52. O&M Covered Activities SJAS Burrow Avoidance. Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows during all ground- or vegetation-disturbing O&M Covered Activities. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval SJAS Mortality Reduction and Relocation Plan, SJAS Live Trapping and Relocation, SJAS Relocation Weather and Timing Constraints, and SJAS Burrow Excavation.

7.45.7.53. O&M Covered Activities SJKF Den Avoidance. Unless otherwise approved in writing by CDFW, 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.

7.46.7.54. O&M Covered Activities TLL Habitat Avoidance. Unless otherwise approved in writing by CDFW, the Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied TLL habitat areas during all vegetation- or ground-disturbing Covered Activities in intact habitat areas (e.g. not including maintained roads). If the 50-foot no disturbance buffer cannot be established, TLL habitat areas shall be sampled with coverboard methods and ground wetting as approved in the TLL Mortality Reduction and Relocation Plan for a minimum period of **14 days** (vs 30 days) while following all other approved sampling methods and subsequent sampling durations as approved in the Plan and any detected TLL be relocated as described in the TLL Mortality Reduction and Relocation Plan. Should any vegetation require removal during the O&M phase, such applicable vegetation shall be removed in accordance with the Condition of Approval Vegetation Removal.

7.55. O&M Covered Activities BUOW Burrow Avoidance. Unless otherwise approved in writing by CDFW in accordance with Condition of Approval BUOW Burrow Avoidance, 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.

7.47.7.56. 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. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

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 minimum of 106 acres of Habitat Management (HM) lands 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. The Permittee has proposed a specific property as HM lands located approximately 1.60 miles southwest of the Project (APN 220-042-07) which is depicted in Figure 3. CDFW has conceptually agreed to the biological appropriateness of APN 220-042-07 as it is comprised of high-quality habitat known to be occupied by individuals of the Covered Species. Should the conservation of APN 220-042-07 be infeasible, Permittee shall ensure that an alternative minimum 106 acres of HM lands are provided which are comparable or better in habitat quality than APN 220-042-07 and are occupied by the Covered Species.

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 Security Conditions of Approval, 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:

- 8.1.1. Land acquisition costs for HM lands identified in the Habitat Management Lands Acquisition and Protection Condition of Approval below, estimated at \$5,000/acre for 106 acres: **\$530,000.00**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement estimated at: **\$268,750.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs, estimated at **\$106,676.00**
- 8.1.4. Interim management period funding, estimated at **\$62,621.00**;

- 8.1.5. Long-term management funding, estimated at \$8,735/acre for 106 acres: **\$925,910.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead costs related to transfer of HM lands, estimated at **\$13,600.00**.
- 8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. 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 estimated at: **\$42,000.00**.

8.2. 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:

- 8.2.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.
- 8.2.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

- 8.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species;
- 8.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.2.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 8.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management

plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

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.

8.3. 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. 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.

8.3.1. 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).

CDFW will review Permittee's written proposal and 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.

8.3.2. 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.

8.3.2.1. 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.

8.3.2.2. 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:

8.3.2.2.1. 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.

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

8.3.2.2.3. 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.

8.3.3. 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.

8.3.4. 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.

8.4. 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 has ensured funding (Security) to complete any activity required by Condition of Approval Habitat Management Land Acquisition that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

9.1. Security Amount. The Security shall be in the amount of **\$1,949,557.00**, 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 identified in the Condition of Approval Cost Estimates, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities or within 24 months after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
 - Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
 - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 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.

X. Amendment:

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

mitigated.

XI. Stop-Work Order:

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

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

XII. Compliance with Other Laws:

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

XIII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2022-053-04) 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:

Incidental Take Permit – Major Amendment No. 1
No. 2081-2022-053-04
GASCO ROAD SOLAR PROJECT, LLC
GAS COMPANY ROAD SOLAR ENERGY STORAGE PROJECT

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:

Jim Vang
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California
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XIV. 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, City of Taft. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Gas Company Road Solar Energy Storage Project (Mitigated Negative Declaration and Initial Study), (SCH No.: 2020060327) dated June 16, 2020, that the City of Taft adopted for the Gas Company Road Solar Energy Storage Project on September 22, 2020. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it 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 Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Gas Company Road Solar Energy Storage Project (Initial Study/Mitigated Negative Declaration), consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; (4) Covered Species salvage and relocation; (5) maintenance of suitable habitat for Covered Species within the Project site post construction; (6) construction of security fencing around the Project site that is designed to be permeable for wildlife; and (7) Quarterly and Annual 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 a minimum of 106 acres of compensatory habitat that is contiguous with other 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.

At the time of issuance of this ITP, the Permittee proposed HM lands located 1.60 miles southwest of the Project that equates to a minimum of 106 acres of high-quality Covered Species habitat. Should the conservation of this parcel be infeasible, Permittee is required to provide an alternative minimum 106 acres of HM lands which are comparable or better in habitat quality than the proposed parcel and are occupied by the Covered Species.

- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee’s objectives to the greatest extent possible;

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

XVI. Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Footprint and Design Layout
FIGURE 3	Proposed Habitat Management Land/Mitigation Site
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
<u>ATTACHMENT 5</u>	<u>Amended and Restated ITP with Track Changes</u>

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON _____

Julie A. Vance, Regional Manager
Central Region