



California Department of Fish and Wildlife
Inland Deserts Region
3602 INLAND EMPIRE BLVD, SUITE C-220
ONTARIO, CA 91764

California Endangered Species Act
 Incidental Take Permit No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR

I. Authority:

This amended California Endangered Species Act (CESA) incidental take permit (ITP)¹ 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 take² of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species³. 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:	Overnight Solar, LLC
Principal Officer:	Frederick Redell, US Director
Contact Person:	Daniel Smith, (623) 694-8465
Mailing Address:	1553 W. Todd Dr., Suite 204 Tempe, AZ 85283 daniel.smith@atlantica.com

ITP Background:

On August 26, 2024, Overnight Solar, LLC (Permittee) submitted a CESA ITP application to 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. Permittee sought take coverage authorization for CESA listed species and CESA candidate species associated with project-related impacts from the Overnight Solar Project (Project) in San Bernardino County, California.

On September 26, 2025, CDFW issued ITP No. 2081-2024-032-06 to Overnight Solar, LLC authorizing take of Mojave desert tortoise (*Gopherus agassizii*) (desert tortoise), Mohave ground squirrel (*Xerospermophilus mohavensis*), and western burrowing owl (*Athene cunicularia hypugaea*) (BUOW or burrowing owl) (collectively, the Covered Species) associated with and incidental to the Project. As described in ITP No. 2081-2024-032-06, the Project includes construction of a battery energy storage

¹ Unless otherwise specified, "ITP" as used in this document and all attachments hereto refers to this Amendment No. 1 to ITP No. 2081-2024-032-06.

² Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill"].)

³ The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

system (BESS), photovoltaic (PV) solar facility, and associated infrastructure in a single construction phase. In issuing ITP No. 2081-2024-032-06, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking of the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

All pre-Project Conditions of Approval set forth in ITP No. 2081-2024-032-06 were not completed until November 7, 2025, which is outside of the desert tortoise active season for clearance surveys, as required by ITP No. 2081-2024-032-06. On November 10, 2025, Permittee informed CDFW that out of season clearance surveys for desert tortoise had been conducted, resulting in the detection of two desert tortoise hatchlings on site and additional signs of presence, including a hatchling carcass. With CDFW approval, one desert tortoise hatchling was penned in place, and the other desert tortoise hatchling was translocated to the adjacent recipient site and penned. Due to a change in biological conditions of the Project Area, CDFW exercised its authority as a Responsible Agency under the California Environmental Quality Act (CEQA) to amend and reanalyze the Project's impacts within CDFW's permitting authority, as outlined in Condition XIV of ITP No. 2081-2024-032-06 and initiate an amendment of the ITP to phase construction of the Project. (See Cal. Code Regs., tit. 14, § 783.6, subd. (c).) This ITP authorizes the Permittee to construct the Project in two phases (each a Phase) to reduce impacts on Covered Species. Phase 1 includes the southern portion of the Project site, where Covered Activities (as defined in Section VI) are expected to have less impact on desert tortoise. Phase 2 includes the northern portion of the Project site, where the desert tortoise hatchlings were found and impacts to desert tortoise are anticipated to be greater. Depictions of each Phase are set forth in Figure 2. As fully explained below, Covered Activities associated with each Phase included in this ITP consist of construction of temporary fencing to separate the northern and southern portions of the Project site during Phase 1, then conducting Covered Species surveys prior to each Phase, and updating the Covered Species plans to reflect the Covered Activities that will occur in each Phase. The compensatory mitigation acreage and Security amounts are also amended, as set forth in Sections 8 and 9 of this ITP.

CDFW finds that this ITP amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4). Issuance of this ITP will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code section 2081, subdivision (b)(2)). Issuance of this ITP does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c). Attachment 6 to this ITP shows the specific red-line changes made to ITP No. 2081-2024-032-06 as a result of this Minor Amendment. This ITP supersedes all provisions of ITP No. 2081-2024-032-06.

II. Effective Date and Expiration Date of this ITP:

ITP No. 2081-2024-032-06 was executed and became effective as of September 26, 2025. This ITP

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

shall be executed and become effective when signed by CDFW. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **April 1, 2027**, for Covered Activities associated with construction of the solar facility and generation-tie line, or upon completion of construction, whichever comes first; and **August 15, 2070**, for Covered Activities associated with the operation and maintenance of the solar facility. Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.9 of this ITP.

III. Project Location:

The Project is located within the unincorporated town of Lockhart, San Bernardino County (Figure 1). The Project is located approximately 10.5 miles west of Kramer Junction at approximately 35.01837, -117.35758. The Project site is bounded by Mojave Solar to the west and Lockhart Solar to the north.

IV. Project Description:

The Project includes the construction and operation of a PV solar facility that will produce up to 150 megawatts (MW) and a BESS capable of storing up to 150 MW of alternating current (AC) power within a 595.4 acre solar array development area, as well as construction of a 1.1 mile generation-tie line (gen-tie line) within a 17.2 acre corridor that connects to the existing gen-tie line within the Mojave Solar facility, totaling in a 612.6-acre area of development. Construction of the Project will occur in two phases (Figure 2). Phase 1 will take place on the southern portion of the site (302 acres); Phase 2 will take place on the northern portion of the site (293.4 acres).

The Project will consist of the following components: perimeter and exclusion fencing; solar PV generating facilities and solar modules; inverters; an on-site substation and associated fencing; a one-story control building to contain protective relays and communications infrastructure; an operations and maintenance (O&M) building; aboveground power lines to transport AC electricity to the on-site substation; individual lithium-ion cells and BESS controller housed within the BESS enclosure; direct current (DC)/DC converter, power conversion system (PCS) inverter, and medium-voltage (MV) transformer associated with the BESS; gen-tie line and interconnection; on-site access roads; storm water facilities; and telecommunications equipment, such as fiber-optic lines, a supervisory control and data acquisition (SCADA) system, and auxiliary power. Phase 1 commenced during fall and winter of 2025 and, when complete, will include: installation of a temporary exclusion fence to divide the two Phase areas, site preparation and installation of the BESS, substation, gen-tie line, approximately half of the solar arrays, and associated infrastructure. Phase 2 construction will commence in spring of 2026 during desert tortoise active season and will include site preparation and installation of the remaining solar arrays and associated infrastructure.

Solar Array

Solar panels will be mounted on a single-axis tracking racking system or a fixed-tilt racking system that will be supported by driven piers (piles) or helical ground anchors directly embedded into the

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

ground. Panels will be organized in rows in a uniform grid pattern, with each row separated by approximately 10 to 20 feet. Panel height is proposed at a maximum of 20 feet.

Inverters and Switchgear

The strings of DC electricity from the solar panels will be routed to the inverters for conversion to AC electricity. The centralized inverters and transformers will be supported on concrete or steel equipment pads about 10 feet by up to 50 feet. Support piers may be used in lieu of equipment pads. The inverters and transformers will be 5 to 10 feet in height and placed to minimize shading on the array. The AC power from inverters/transformers will be collected and transported via above-ground power lines to an on-site substation.

Project Substation

The Project will build one on-site substation holding high-voltage equipment within a 300-foot by 300-foot area, separately protected with security fence. Within the substation fence, electrical equipment could reach a height of 70 feet. A control building, housing the communication and SCADA equipment (if needed), will be built on concrete in the substation footprint.

Battery Storage

The 150-MW BESS is expected to be constructed next to the on-site substation. The key components of the BESS include *Batteries*: individual lithium-ion cells assembled in either a series or in parallel connection to make up the sealed battery modules. The modules will be installed in self-supporting racks electrically connected either in series or parallel to each other; *BESS Enclosure and Controller*: The BESS enclosure will house the batteries and the BESS controller. The BESS controller is a multilevel control system and includes the battery modules, PCS, and MV system where the BESS will connect to the Project substation, and then connect to the electrical grid via the proposed gen-tie line and grid interconnection. The BESS enclosure will also be equipped to house required heating, ventilation, and air conditioning and fire protection/suppression systems; *DC/DC Converter*: In a DC-coupled system, the DC/DC converter usually allows the connection of the BESS to the DC side of the PV inverter; *Power Conversion System – Inverter*: The PCS typically consists of an inverter, protection equipment, circuit breakers, air filter equipment, equipment terminals, and cabling installed throughout the site. Electricity is transferred from the PV array to the batteries during a battery charging cycle and from the batteries to the power grid during a battery discharge cycle through BESS connection with the substation, which connects the Project to the power grid via the proposed gen-tie line; *MV Transformer*: A separate MV transformer may be present if not integrated into the inverter skid. This will be a pad-mounted transformer used to increase voltage on the AC side of the inverter from low to MV.

Gen-Tie Line and Interconnection

From the on-site substation, the proposed 230kV gen-tie line will be constructed from the on-site substation to the inter-tie location with the existing Mojave Solar facility gen-tie line that is 1.1 mile to the east. The gen-tie corridor will be 120 feet wide during construction. The on-site substation tie-

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

in pole will be up to 65 feet high. Approximately 10 gen-tie poles, expected to be up to 80 feet high, will be constructed within the existing Mojave Solar facility.

Access Roads

Vehicular access to the Project site is from Lockhart Ranch Road extending eastward to Harper Lake Road via State Route 58. On-site access routes, with a minimum width of 20 feet, may be constructed along the Project’s interior fence line. All interior access roads will also be at least 20 feet wide. All on-site roads will consist of compacted native soil, and will be stabilized with soil stabilization material, if necessary. A main access point for equipment and personnel accessing the site will be located at approximately 35.012184, -117.348747 on Lockhart Ranch Road.

Perimeter/Interior Fencing

Fencing was partially constructed within 15 feet of the solar facility right-of-way boundary prior to the issuance of this ITP. Some areas were not fully fenced to avoid biological resources. The remainder of fencing will be constructed during Phase 2 of the Project. The on-site substation will be separately fenced due to high voltage presence of exposed electrical equipment and will be constructed following safety requirements. Fence construction will be 6 feet high with a one-foot extension of 3 rows of barbed wire on top for an overall height of 7 feet. Desert tortoise exclusion fencing will be attached to the lower 2 feet of the fence. Gates will be installed at each entry point of the solar facility site. A temporary fence will be constructed to separate the Phase sites and then removed prior to commencing construction activities in Phase 2.

Telecommunications

Telecommunications equipment (fiber-optic lines, a SCADA system, and auxiliary power) will be installed at each inverter equipment pad and substation. Telecommunications equipment will be incorporated via existing communications infrastructure in the Project vicinity and may be co-located on above-ground structures, such as transmission lines. Trenching may be required to install some of the equipment. Fire protection will also be included.

Site Preparation and Permanent Disturbance

Site preparation may consist of clearing, grubbing, scarifying, recompacting, grading, and removing remaining mounds or holes. Areas where vegetation removal and subsequent grading is not required will be crushed and mowed to provide access for array pile installation. Long shallow strip retention basins are proposed to capture possible 100-year flood events or 24-hour increase in runoff volume resulting from clearing of vegetation, compacting of soil, and impervious improvements. Array columns will be graded such that water can accumulate beneath panels at an engineer-determined interval.

Operations and Maintenance

During the O&M period, the Project will generate electricity from the PV system during daylight hours and may charge/discharge power from the BESS to the supply grid both during the day and at night.

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

O&M requirements for the Project’s PV solar power and BESS components are minimal, as Project operations will be monitored remotely via a SCADA system. Remote monitoring eliminates the need for full-time, on-site personnel, as well as water or sewer connections. Periodic visits from O&M staff will occur. Temporary O&M employees will utilize existing facilities at the adjacent Mojave Solar facility for domestic water and restroom needs.

Operational vehicles will primarily include light-duty trucks (e.g., flatbed pickups) and other small equipment for maintenance and PV module washing. Routine operations will not require heavy equipment; such machinery may only be brought in occasionally for major repairs. All the O&M activities shall occur within the constructed Project fence line.

The frequency of panel washing will be determined by panel soiling and the anticipated benefit of cleaning, but it will occur at least once annually, and no more than four times per year. Typically, no more than two annual washings are anticipated. Each panel washing event will require up to 12 employees, utilize water trucks, and take approximately 20 days to complete. Washing will be conducted by spraying water to remove dust from PV panels. Vegetation maintenance may be required to enable clear vehicle access for panel maintenance. Additionally access roads may be stabilized with soil stabilization materials.

Project Decommissioning – Amendment application required

When operations at the Project site are permanently terminated, the facility may be decommissioned. The average life of a PV facility is considered to be 35 years, after which decommissioning, and removal will be considered. Decommissioning will be determined by the PV facility owner, who will pay the costs for dismantling and having the materials transported off-site. **Decommissioning activities shall be described in an amendment request submitted to CDFW at least 120 days prior to the start of activities.**

V. 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. Mojave desert tortoise (<i>Gopherus agassizii</i>)	Endangered ⁵
2. Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	Threatened ⁶
3. Western burrowing owl (<i>Athene cunicularia hypugaea</i>)	Candidate 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.

⁵ See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(4)(E).

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

⁷ This species’ status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered. If there is such a designation, the species will remain a Covered Species for the purposes of this ITP. See 2024 Cal. Reg. Notice Register, No. 43-Z, p. 1400 (October 25, 2024).

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include vegetation clearing; grading, leveling, and compaction; excavation; pile driving; installation of fencing or barriers; installation and/or construction of Project facilities and structures; general operation of vehicles and heavy equipment; noise, vibration, and dust generating activities; and capture, exclusion, and relocation activities (collectively, the 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 collision with or crushing by vehicles or heavy equipment; collision with lines, fencing, or solar arrays; crushing or entombment of individuals or eggs in burrows; destruction of burrows and refugia; fatal exhaustion due to fence pacing; and stress from exclusion and relocation activities. 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 excavation of burrows, installation of fencing or barriers, entrapment in holes or trenches or construction materials, transporting injured individuals, and capture and relocation of Covered Species when required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: the 595.4-acre solar array development area during construction and O&M for all Covered Species, and the 17.2-acre gen-tie line corridor for BUOW during construction only (collectively, the Project Area). This ITP does not authorize take of Covered Species on the vehicular access routes to the Project Area including but not limited to Hoffman Road, Lockhart Ranch Road and Harper Lake Road.

The Project is expected to cause the permanent loss of 595.4 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, loss and degradation of habitat, increased habitat fragmentation and edge effects, increased energy expenditure to reach foraging habitat, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations, displacement from preferred habitat, increased competition for food and space, increased vulnerability to predation, exposure to lethal temperature extremes, increased potential for presence of non-native plants and wildfires, transfer of disease due to capture and handling, exposure to construction-related chemicals, and light pollution.

VII. Incidental Take Authorization of Covered Species:

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

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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.

The authorized incidental take of Covered Species due to Covered Activities associated with installation of temporary exclusion fencing to separate the Phase areas, initial Mohave ground squirrel trapping throughout the Project Area, and Covered Activities in Phase 1 commenced upon execution of the ITP issued by CDFW on September 25, 2025. The authorized incidental take for Covered Species associated with scoping of burrowing owl and desert tortoise burrows, exclusion methods, and installation of temporary pens around known and potential burrows in the Phase 2 area commenced on January 16, 2026. The authorized incidental take for Mohave ground squirrel in Phase 2 area associated with live trapping shall commence on February 15, 2026. The authorized take for all remaining Covered Activities in Phase 2 shall commence on April 1, 2026.

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2024010434) certified by San Bernardino County on August 19, 2025, as lead agency for the Project pursuant to 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 the Environmental Assessment for the Proposed Issuance of an Incidental Take Permit for the Desert Tortoise for the Overnight Solar Project (ESPER20703861) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, 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.

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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. Biological Monitor(s).** Permittee shall designate Biological Monitor(s) knowledgeable and experienced in the biology and natural history of the Covered Species through education, trainings, field experience, and/or experience as a Biological Monitor on similar projects, and experience conducting guideline or protocol level presence/absence surveys, locating, identifying, and recording all forms of desert tortoise and western burrowing owl sign, identifying Mohave ground squirrel in the field, setting up camera stations and identifying species in photos, and monitoring compliance of the conditions of approval within a state or federal ITP obtained for projects in Covered Species habitat. The Biological 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.
- 5.3. Authorized Biologist(s).** Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of the Covered Species through education, trainings, field experience, and/or experience as an Authorized Biologist on similar projects, and experience monitoring compliance of the conditions of approval within a state or federal ITP obtained for projects in Covered Species habitat. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, scoping and excavating burrows, handling and temporarily holding the Covered Species, relocating/translocating the Covered Species, reconstructing Covered Species burrows, locating, identifying, and recording all forms of Covered Species signs, conducting Covered Species health assessments, conducting Covered Species guideline or protocol level surveys, and if determined necessary by CDFW, collecting Covered Species blood samples and attaching and removing transmitters. Authorized Biologist(s) for Mohave ground squirrel shall demonstrate experience with trapping Mohave ground squirrel as authorized under the Fish and Game Code, identifying Mohave ground squirrel in the field, handling and processing small mammals, scoping and excavating small mammal burrows, creating artificial burrows, and setting up camera stations and identifying species in photos. Authorized Biologists for western burrowing owl shall have experience conducting passive

exclusion activities, establishing no-disturbance buffers, scoping and excavating burrows, and monitoring blocked burrows.

- 5.4. Veterinarian(s).** Permittee shall identify a veterinarian(s) for the Covered Species. Permittee shall obtain written confirmation from the veterinarian(s) that they will accept injured Covered Species for treatment. Written confirmation shall also contain the veterinarian's contact information and facility location. Permittee shall provide a copy to CDFW before starting Covered Activities. The contact information and location of the facility shall be on site for the Authorized Biologist(s) during Covered Activities.
- 5.5. Wildlife Rehabilitation Facility.** Permittee shall identify a wildlife rehabilitation facility that holds a current Memorandum of Understanding (MOU) issued by CDFW pursuant to Fish and Game Code section 2081, subdivision (a) prior to start of Covered Activities and receive written confirmation from the facility that Covered Species individuals can be accepted for rehabilitation before starting Covered Activities. Written confirmation from the facility, contact information for the point of contact at the facility, and a copy of the facility's MOU shall be provided to CDFW. The contact information and location of the facility shall be on-site for the Authorized Biologist(s) during Covered Activities.
- 5.6. Biologist(s), Veterinarian(s), and Wildlife Rehabilitation Facility Approvals.** Permittee shall obtain CDFW approval of the Authorized Biologist(s), Biological Monitor(s), veterinarian(s), and wildlife rehabilitation facility, in writing before starting Covered Activities, and shall also obtain advanced written approval if any of these entities are changed. For biologist(s) approval, the Designated Representative shall submit the Biologist Resume Forms (Attachments 2 and 3) of this ITP a minimum of 30 calendar days, or timing as approved by CDFW, before starting Covered Activities, or before any changes are made to these personnel. Permittee shall ensure the Biologist Resumes Forms thoroughly address the experience of the biologist that qualifies that individual to perform all the tasks described by Conditions of Approval 5.2 and 5.3, and relevant Conditions of Approvals throughout this ITP and associated Covered Species plans (Condition of Approvals 7.14, 7.22, and 7.25). CDFW approvals are separate from any biologist(s) approved by the United States Fish and Wildlife Service (USFWS) through Incidental Take Permit for the Desert Tortoise for the Overnight Solar Project (ESPER20703861) for the Project pursuant to the ESA.
- 5.7. Authorized Biologist(s) and Biological Monitor(s) Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Authorized Biologist(s) and/or Biological Monitor(s) shall have authority and take necessary steps to immediately stop work if any activity that does not comply with this ITP and/or Authorized Biologist(s) shall order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. If Authorized Biologist(s) and/or Biological Monitor(s) stops work on the Project site, work shall not resume until an Authorized Biologist determines that all activities are in

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

compliance with the ITP and communicates that determination to the onsite manager. Permittee shall inform all persons employed or otherwise working in the Project Area that Authorized Biologist(s) and/or Biological Monitor(s) have the authority described in this subsection. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Authorized Biologist(s) and/or Biological Monitor(s) in the performance of his/her duties. If the Authorized Biologist(s) and/or Biological Monitor(s) is unable to comply with the ITP, then the Authorized Biologist(s) and/or Biological Monitor(s) shall notify the CDFW Representative immediately.

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

5.8. 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 Authorized Biologist(s) and/or Biological Monitor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

5.9. Compliance Monitoring Documentation. The Authorized Biologist(s) and/or Biological Monitor(s) shall maintain compliance-monitoring documentation on-site in either hard copy or digital format throughout the construction and O&M period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the compliance-monitoring documentation is available for review at the Project site upon request by CDFW.

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- 5.10. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at daily intervals to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.11. Preventing Pooling of Water.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and Biological Monitor(s). Permittee shall keep the amount of water used for dust control and panel washing to the minimum amount needed and shall not allow water to form puddles. Permittee shall ensure retention basins or array columns are emptied of standing water within 48 hours of a storm event if the water remains accumulated for more than 24 hours after the storm event.
- 5.12. Firearms and Dogs.** Permittee shall prohibit project personnel or those associated with the Project from bringing any firearms and domestic dogs on the Project Area during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials' dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act.
- 5.13. Delineation of Project Area.** 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. Permittee shall clearly delineate the Phase 1 and Phase 2 areas with fencing to properly exclude ground-disturbing Covered Activities from occurring in Phase 2 area prior to April 1, 2026.
- 5.14. Delineation of Habitat.** Permittee shall clearly delineate avoided habitat of the Covered Species within the Project boundary with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.15. Project Access.** Project-related personnel shall access the Project Area using existing routes 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. The Authorized Biologist or the Biological Monitor shall escort construction vehicles and equipment within the Project Area until exclusionary fencing installation and clearance surveys have been completed. If

Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 5.16. 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 and associated Phase using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area or Phase unless provided for as described in Condition of Approval 5.15 of this ITP.
- 5.17. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.18. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.19. 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.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days, or timing as approved by CDFW, before starting Covered Activities in each Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance.** The Designated Representative 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.

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

6.3. Notifying Procedures. The Permittee or the Designated Representative shall provide all required notifications in this ITP by sending an email to the CDFW Regional Representative Marlee Poff (Marlee.Poff@wildlife.ca.gov) and as described in the Notices section of this ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP Number, the ITP Condition number that the notification is addressing, any necessary photos or attachments, and the name and phone number of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).

6.4. Construction Compliance Monitoring. During the construction period for each Phase, the Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of three times per day (once during the onset of the day's work, once midday, and once at the conclusion of that day's work) or as otherwise specified by this ITP and associated Covered Species plans. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones; and
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Authorized Biologist(s) and/or Biological 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.

6.5. Operation and Maintenance Monitoring. During the O&M period, the Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when ground disturbing Covered Activities occur, and for periodic inspections of the desert tortoise exclusionary fencing as defined by Condition of Approval 7.21, and periodic monitoring of occupied BUOW burrows. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections of ground-disturbing Covered Activities a minimum of once per day or as otherwise specified by this ITP. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- (4) ensure that fencing remains intact, and that Covered Activities are only occurring in the Project Area;
- (5) ensure escape ramps are maintained in the retention basins.

The Designated Representative or Authorized Biologist(s) and/or Biological Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, and monitoring activities required by this ITP.

- 6.6. Quarterly Compliance Report.** The Designated Representative, Authorized Biologist(s) and/or Biological Monitor(s) shall compile the observation and inspection records identified in Condition of Approval 6.4 and 6.5 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via email to CDFW’s Regional Representative and Headquarters CESA Program. At the time of this ITP’s approval, the CDFW Regional Representative is Marlee Poff (Marlee.Poff@wildlife.ca.gov) and Headquarters CESA Program email is CESA@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.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) information about other Project Impacts on the Covered Species; and (7) Covered Species monitoring results as required by plans.
- 6.8. CNDDDB Observations.** The Authorized Biologist shall submit all observations of Covered Species to CDFW’s California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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

6.10. Notification of Take or Injury. Permittee shall immediately notify the Authorized 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 Authorized Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167. 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.

6.11. Future Take or Injury Prevention. The Permittee shall develop and include measures that will be implemented to prevent or minimize future take or injury of Covered Species in all reports provided under Condition of Approval 6.10.

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:

7.1. Herbicides. Permittee shall not use herbicides on the Project Area without prior written permission from CDFW. If approved by CDFW, Permittee shall only use herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application shall occur when winds are greater than five (5) miles per hour.

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- 7.2. Rodenticides and Insecticides.** Permittee shall not use rodenticides and/or insecticides on the Project Area.
- 7.3. Removal of Debris.** Permittee shall remove all loose debris in areas that need to be cleared by slowly removing stored material starting from the top and working down to ground level, rather than scooping from the ground up. This method will minimize the possibility of harming a Covered Species using the debris as shelter and will allow them to escape.
- 7.4. Entrapment Inspections.** Any pipes or similar structures with a diameter greater than 3 inches shall be inspected by the Authorized Biologist(s) and/or Biological Monitor(s) for Covered Species before the material is moved, buried, or capped. The Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all open holes and trenches within Covered Species habitat at a minimum of twice a day and just prior to backfilling. At the end of each workday during construction, Permittee shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planning or other suitable material that is placed at an angle no greater than 30 degrees. If any worker discovers that Covered Species have become trapped, they shall halt Covered Activities and notify the Authorized Biologist(s) and/or Biological Monitor(s) immediately. Project workers and the Authorized Biologist(s) and/or Biological Monitor(s) shall allow the Covered Species to escape unimpeded if possible, or an Authorized Biologist(s) approved under condition 5.6 of this ITP shall move the Covered Species out of harm's way before allowing work to continue. Permanent retention basins shall have permanent escape ramps that are maintained regularly for the term of this ITP.
- 7.5. Covered Species Observations.** If a Covered Species is observed during Covered Activities, all work within 300 feet of the Covered Species shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s) and/or Biological Monitor(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area, an Authorized Biologist(s) approved under the Condition of Approval 5.6 of this ITP relocates the Covered Species as described in this ITP and each Covered Species plan (Conditions of Approval 7.14, 7.22, and 7.25), OR the Authorized Biologist can observe the Covered Species to ensure take or disturbance to the individual will not occur as a result of Covered Activities. The Designated Representative shall notify CDFW of any Covered Species observations within the Project Area. Notification shall occur as described in Condition of Approval 6.3 within 24 hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, maps, and shapefiles with the location (including GPS coordinates) where the individual was moved as specified in the Covered Species relocation plan.

- 7.6. Vehicle Inspection.** Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall contact the Biological Monitor(s) or Authorized Biologist(s) and wait for the Covered Species to move unimpeded to a safe location or the Authorized Biologist(s) shall relocate the Covered Species as described in Conditions of Approval 7.14, 7.22, and 7.25 before moving vehicles and equipment.
- 7.7. Staging Area and Parking Area.** The Permittee shall enclose all staging areas and parking areas with Covered Species exclusion fencing. All parked vehicles and equipment shall be inspected prior to being moved. If a Covered Species is found within a staging or parking area the worker shall immediately contact a Biological Monitor(s) and/or Authorized Biologist(s) approved in Condition of Approval 5.6 of this ITP. An Authorized Biologist approved in Condition of Approval 5.6 of this ITP shall relocate the Covered Species in accordance with each Covered Species plan as described in Conditions of Approval 7.14, 7.22, and 7.25.
- 7.8. Erosion Control Materials.** To minimize the risk of ensnaring and strangling Covered Species, Permittee shall not use erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. Permittee shall use erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic "photodegradable" erosion control materials.
- 7.9. Full-time Monitoring.** An Authorized Biologist(s) or Biological Monitor(s) shall be present during all Covered Activities that occur during the construction period. During the operations and maintenance period of the Project, an Authorized Biologist(s) shall be on-site to monitor ground-disturbing Covered Activities and periodically to address any compliance-related issues as described in this ITP.
- 7.10. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Authorized Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 6.10. Notification shall include the name of the facility where the animal was taken. CDFW shall be contacted to discuss the treatment of the individual.

Desert Tortoise Take Minimization Measures

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

7.11. Pre-Construction Surveys for Desert Tortoise Within Exclusionary Fence Alignment. Prior to each Phase, the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys in the Phase's solar array development area for Covered Species, using the methods described in the most recent USFWS Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual) along the fencing alignment and 50-foot buffer. Phase 1 surveys occurred during fall and winter of 2025. Phase 2 surveys shall occur during desert tortoise active season commencing on April 1, 2026. If desert tortoise are found during the pre-construction surveys, the Authorized Biologist(s) shall relocate the individual(s) based on the methods described in Condition of Approval 7.14 if determined necessary by the Authorized Biologist, or shall be monitored in place. If the permanent desert tortoise exclusionary fence or temporary exclusion fencing is installed during desert tortoise inactive season a fencing plan shall be submitted to CDFW for review and approval prior to commencing fence installation. The permanent fencing plan shall include gaps in the fence to allow Covered Species to enter and exit the Project Area, and closure of the gaps during the subsequent desert tortoise active season, and clearance surveys performed per Condition of Approval 7.12. The temporary exclusionary fencing dividing the Phases shall not be removed until commencing Condition of Approval 7.12 in Phase 2.

7.12. Pre-Construction Surveys for Desert Tortoise. Prior to each Phase, the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys in the solar array development area for Covered Species, using the methods described in the USFWS Field Manual. Pre-construction clearance surveys required under this Condition of Approval occurred during fall and winter of 2025 for Phase 1, and shall occur in April of 2026 for Phase 2. In addition to the guidance provided in the USFWS Field Manual, CDFW provides the following requirement(s):

- Pre-construction clearance surveys shall be completed using perpendicular survey routes within the solar array development area. Pre-construction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until two (2) negative results from consecutive surveys using perpendicular survey routes for the Covered Species are documented.
- These surveys shall cover 100 percent of the solar array development area for each Phase within the permanent/temporary desert exclusionary fencing. The Authorized Biologist(s) and/or Biological Monitor(s) shall record all potential Covered Species and burrows within the pre-construction clearance survey area, using global positioning system (GPS) technology. The Authorized Biologist(s) and/or Biological Monitor(s) shall provide the results of the pre-construction clearance survey (including all information of the USFWS Protocol data sheet) to CDFW within 10 calendar days of completing the

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

surveys. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them.

- 7.13. Desert Tortoise Burrow Excavation.** Only the Authorized Biologist(s) and/or Biological Monitor(s) approved by CDFW are authorized to conduct desert tortoise burrow excavation. Excavation of burrows shall follow the methods described in the USFWS Field Manual. Any burrow containing sign of another Covered Species shall follow the appropriate Condition of Approval (7.24 for Mohave ground squirrel and 7.30 for BUOW) within this ITP. No burrow excavation in Phase 2 area shall occur prior to desert tortoise clearance surveys conducted in April 2026, per Condition of Approval 7.12.
- 7.14. Desert Tortoise Relocation.** Regardless of the number of desert tortoise estimated to be moved out of harm’s way, the Permittee shall prepare a Desert Tortoise Relocation Plan (DTRP) 30 calendar days prior to start of Covered Activities and submit it according to Condition of Approval 6.3 of this ITP. Covered Activities are not authorized to start until the DTRP is approved in writing by CDFW. The DTRP shall follow the most current guidelines provided by USFWS and CDFW regarding Covered Species translocation. Where guidance differs between USFWS and CDFW, verbal and/or written direction provided by CDFW always controls. If long-distance translocation is determined necessary, Permittee shall revise the DTRP for CDFW review and approve to address translocation.

The list of items below are the most common examples of the differences between CDFW and USFWS guidelines. These shall be included in the DTRP along with the most recent USFWS translocation guidelines:

- Relocated tortoise are desert tortoises removed from the Project Area and/or have a radio transmitter attached if determined appropriate by CDFW per the DTRP.
- The Authorized Biologist shall determine when the creation of artificial burrows is needed.
- Ambient air temperature guidelines shall be followed as specified in Condition of Approval 7.15 of this ITP.
- Desert tortoises <100 millimeters (mm) midline carapace length (MCL) shall be released immediately without being held or transmittered or blood drawn for disease testing as long as the temperature requirements in Condition of Approval 7.15 of this ITP above are met.
- Desert tortoises captured for release shall undergo health assessments that include protocols from the Health Assessment Procedures for the Mojave Desert Tortoise (*Gopherus agassizii*) (USFWS) including: assessing clinical signs of disease,

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

behavioral irregularities, parasites, and body condition. Blood draws for disease assessment shall only occur if deemed necessary by CDFW for long-distance translocation.

- If a desert tortoise voids during health assessments, then the Authorized Biologist(s) shall follow the methods described in Condition of Approval 7.16 on Desert Tortoise Rehydration Procedures.
- If long-distance translocation is determined necessary, CDFW does not authorize the release of desert tortoises that test positive for disease even if it does not show outward signs of the disease. If a desert tortoise tests positive for disease, it is the responsibility of the Permittee to locate a CDFW approved facility to place the desert tortoise in. Any exception to this determination will need to be approved in writing by CDFW on a case-by-case basis.
- If long-distance translocation is determined necessary, disease testing shall not be done between November 1 and May 14. If a desert tortoise >100 MCL is found between November 1 and May 14 or earlier, the desert tortoise shall be held in quarantine facilities and shall remain in quarantine until tested (once in the spring and once in the fall), with written approval from CDFW. If the desert tortoise tests negative for disease, it can be released in accordance with the approved revised DTRP. Blood draw samples for *Mycoplasma agassizii* and *Mycoplasma testudineum* shall be determined if a desert tortoise is negative or positive for disease. A combination of results from blood testing and visual inspection will be used to determine the health of the desert tortoise. Blood draw samples will be sent to: Dr. Mary Brown, University of Florida, Department of Infectious Diseases and Immunology, 2015 SW 16th Ave., Room V2-234, Gainesville Florida 32608, or other facility approved by CDFW. CDFW uses enzyme-linked immune assay (ELISA) test results to determine if a desert tortoise is positive for disease. The ELISA tests will be used to test for exposure to herpes virus (*Mycoplasma agassizii* and *Mycoplasma testudineum*). See <https://labs.vetmed.ufl.edu/all-tests/tortoise-mycoplasma-testing/>.
- If a desert tortoise tests positive for or is suspected of disease, then the desert tortoise will be tested twice for disease (once in the spring after May 15 and once in the fall). To determine results of blood testing, use the most current guidelines provided by the University of Florida Mycoplasma Laboratory Department of Infectious Diseases and Immunology.

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- The DTRP shall include a requirement that all relocated, and if necessary, translocated desert tortoises, regardless of size, be included in the relocation/translocation numbers and all reports.
- The DTRP shall include methodology for construction of temporary pens around desert tortoise hatchlings found outside of desert tortoise active season, and desert tortoise burrows located in Phase 2 area, within the Phase 1 timeframe. All construction of temporary pens for desert tortoise shall follow the USFWS Field Manual guidelines. The DTRP shall also include provisions for daily monitoring of any penned desert tortoises. Desert tortoise pens shall be constructed in Phase 2 area, within the Phase 1 timeframe immediately after burrowing owl exclusion (described in Condition of Approval 7.30) occurs.
- The DTRP shall propose one recipient site. Recipient sites shall have the vegetative structure to support all life stages of desert tortoises. In addition to the USFWS Field Manual guidelines the DTRP shall also include identifying the known threats or potential causes of population decline, how potential threats have been or would be addressed, complete physical examination and health assessments (with sample collection if required by CDFW), age-structure and sex ratios, protocol level surveys, vegetation classification and quality of habitat. The DTRP shall detail which characteristics are to be used to decide if a recipient site is similar enough to a Project Area including burrow aspects, and recovery needs such as habitat restoration and/or predator control.
- All desert tortoises relocated in the Project boundary shall be monitored during construction, and for 5 years post-construction. Monitoring shall include surveys of the relocation area during each active season and health assessments on all desert tortoises found within said surveys following the methods described in Health Assessment Procedures for the Mojave Desert Tortoise (*Gopherus agassizii*) (USFWS). Blood draws for disease assessment are not required.
- If determined necessary, long-distance recipient sites shall be a minimum of 4 miles (6.5 kilometers) away from highways/road rights-of-way that do not include desert tortoise exclusionary fencing.
- All desert tortoise burrows within the Project Area shall be excavated following procedures outlined in the U.S. Fish and Wildlife Service Desert Tortoise Field Manual during each Phase. No desert tortoise burrows shall be excavated in the Phase 2 Project Area until clearance surveys are conducted during the desert tortoise active season in April 2026.

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- Creation of artificial burrows, as well as relocation or translocation of desert tortoises and eggs shall only occur on land(s) when written authorization has been obtained from the landowner (including Bureau of Land Management) if the land is not owned by the Permittee, prior to the start of Covered Activities. The written permission from the landowner shall be included in the DTRP, and the DTRP shall not be approved by CDFW until authorization is provided in writing. If creation of artificial burrows or relocation or translocation of desert tortoises or eggs is proposed to take place on private lands not owned by the Permittee, then in addition to written approval required above, some form of protection for the land, such as a conservation easement, shall be in place prior to translocation occurring.
- Cleaning and Disinfection Protocol. Trifectant and Rescue Ready to Use One Step Disinfectant Cleaner are the only products authorized under this ITP and its associated DTRP to be used as a disinfectant. These products are not authorized to be applied using a spray bottle or other spray methods.

Cleaning and Disinfection Protocol shall include the following:⁸

- Remove all grossly visible debris.
- Wash the area or item with water and mild detergent.
- Thoroughly rinse the cleaned area to remove any detergent residue.
- Allow the area to dry completely
- Apply disinfectant mixture.
- Allow the full disinfectant product recommended contact time.
- Thoroughly rinse away any residual disinfectant and allow the area or item to air dry.

7.15. Ambient Air Temperature for Desert Tortoise. During all handling procedures, Covered Species shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Covered Species shall be kept shaded at all times until it is safe to release them. For the purposes of this ITP, ambient air temperature shall be measured in the shade, protected from wind, at a height of 5 centimeters above the ground surface. For all Covered Activities no Covered Species shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)) or below 65°F (21° C). No Covered Species shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) or fall below 65°F (21°C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F

⁸ Brown, Mary. Cleaning and Disinfection Protocol. Department of Infectious Diseases and Pathology, College of Veterinary Medicine, Gainesville FL.

(35° C) during handling or processing, Covered Species shall be kept shaded in an environment that does not exceed 95° F (35° C), and not released until ambient air temperature declines to below 95° F (35° C). If approved by CDFW, Covered Species moved during the less active season (June 1 to August 31 and November 1 to March 31) shall be monitored by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety or frequency specified by CDFW. During relocation, or in the event that ambient air temperature falls below 65° F (21° C) during handling or processing, the Authorized Biologist(s) may hold a captured Covered Species overnight and move them the following morning within these temperature constraints.

- 7.16. Desert Tortoise Species Rehydration.** If a Covered Species voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the individual(s). The Authorized Biologist(s) shall rehydrate the Covered Species at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be released. The Authorized Biologist(s) shall rehydrate the Covered Species by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the Covered Species. The Authorized Biologist(s) shall rehydrate each Covered Species individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration, and replace the lining and water after each use.
- 7.17. Covered Species Handling Records.** The Authorized Biologist(s) shall maintain a record of all Covered Species handled. This information shall include: (a) the locations (narrative and maps) and dates of observation, including whether the individual(s) was found above ground or in a burrow; (b) ambient temperature when handled and released; (c) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladders; (d) identified diagnostic markings (i.e., identification numbers or marked marginal scutes); (e) location moved from and location moved to (using GPS technology), including information on any burrow (natural or artificial) utilized; (f) whether any eggs were discovered and relocated; (g) digital photographs of any Covered Species and eggs handled; (h) if a transmitter was applied; and (i) results of ongoing monitoring. The Designated Representative(s) shall provide CDFW with the information listed above submitted in the quarterly reports during construction.
- 7.18. Raven Management.** The Permittee shall prepare a Raven Management Plan (RMP) to minimize the potential to attract common ravens to the site and submit it to CDFW at least 15 days prior to start of Covered Activities for review and approval. The RMP shall be an amendable document that shall be updated to include the latest science and guidance as directed by CDFW. The Permittee prepared RMP shall:

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- Identify conditions associated with Covered Activities that might provide raven subsidies or attractants;
- Describe management practices to avoid or minimize conditions that might increase raven numbers and predatory activities; and
- Describe monitoring during Covered Activities, including methods to identify individual ravens that prey on desert tortoises.
- Describe prevention of water pooling in retention basins and under arrays.

In addition, the Permittee shall provide funds to the Renewable Energy Action Team (REAT) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on the desert tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a one-time payment of \$105 per acre of project disturbance. Based on this calculation the Permittee shall provide a one-time payment at \$105.00/acre for 595.4 at **\$62,517.00** to the REAT account established with NFWF's Raven Management Plan fund. A minimum of 15 days, or timing as approved by CDFW, prior to the start of Covered Activities these funds shall be provided to NFWF using appropriate deposit document (Attachment 4) and proof of paying this fee shall be provided to CDFW within 24 hours after the funds have been provided to NFWF. CDFW shall not require payment for the genie corridor, as it was previously mitigated through Mojave Solar facility's take authorization.

7.19. Covered Species Gates. Gate locations and design for the purpose of excluding desert tortoise shall be provided to CDFW and shall be approved by CDFW in writing prior to starting Covered Activities. The design of shall ensure full exclusion of Covered Species. Gates shall be automatic and programmed to open and close for each vehicle ingress and egress. The gate shall never be left open by workers, which would allow Covered Species to enter the site. Should non-compliance of this Condition of Approval occur and gates be left open by workers, all work within the Project Area shall immediately cease and a clearance survey shall be performed by the Authorized Biologist following the methodology described in Condition of Approval 7.12. Gate design shall specify a V-track gate with desert tortoise exclusion fencing attached to decrease the clearance between the bottom of the gate and ground to less than one inch. Gates shall be regularly maintained to ensure proper function (e.g. track shall be checked regularly for sand or any other substance that may hinder its ability to close properly).

7.20. Permanent Security Fencing with Attached Desert Tortoise Exclusion Fencing. During each Phase, permanent desert tortoise exclusion fencing shall be attached to the 7-foot-high

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

standard chain link security fencing. This fencing shall be installed around the northern, western, and southern boundaries of the solar facility development footprint, in addition to the existing fencing along the shared boundary between the solar facility and the adjacent facilities to the east. The fence shall be constructed according to Chapter 8 of the USFWS Field Manual, but if any tortoises <100mm MCL are translocated within 500 meters of the Project site, tortoise fencing shall be 16 gauge or heavier galvanized after welded wire with mesh opening of ½ inch horizontal by ½ inch vertical. The Permittee shall install shade structures along the outer fence perimeter placed every 500 feet along the western boundaries, and a minimum of every 1,000 feet along the remaining perimeter. To prevent potential access at site access points, all gates shall be installed with desert tortoise exclusion fencing affixed along the bottom portion of the gate structure.

7.21. Covered Species Fence Maintenance Monitoring and Inspection. The Biological Monitor(s) and/or Authorized Biologist(s) shall monitor and inspect the Covered Species fencing during installation and during the Covered Activities associated with construction a minimum of twice per day and at the end of each workday. After Covered Activities associated with construction are complete, the Biological Monitor and/or Authorized Biologist shall continue to monitor the fence until the end of the subsequent Covered Species active season. During operations and maintenance activities, the fence shall be inspected monthly. Throughout the term of this ITP, the Covered Species fencing shall be inspected within 24 hours of major rainfall and high wind events to ensure Covered Species are prohibited from entering the Project Area. If the fence is compromised at any time, repairs shall be completed immediately, and clearance protocol level surveys shall be conducted as described in Condition of Approval 7.12 prior to Covered Activities commencing. If desert tortoise are found pacing the fence, the Authorized Biologist shall intervene per the DTRP with coordination with CDFW.

Mohave Ground Squirrel Take Minimization Measures

7.22. Mohave Ground Squirrel Relocation Plan. Regardless of the number of Mohave ground squirrel estimated to be relocated a short distance away out of harm's way, Permittee shall prepare and submit a Mohave Ground Squirrel Relocation Plan for CDFW review at least 30 calendar days prior to start of all Covered Activities. The relocation plan shall include parameters in which Authorized Biologists may relocate Mohave ground squirrel to minimize impact to the individual. The plan at a minimum shall contain the following descriptions:

- Recipient site selection criteria and characteristics that will benefit the relocated Mohave ground squirrel (including land ownership (and approval if not owned by the Permittee)), maximum distance from Covered Activity work area based on surround

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

land uses, presence of native vegetation species and percentage of cover, no predator sign and concentrations, friable soil types, and lack of anthropogenic features);

- Minimum distance away from paved highway/roads to reduce vehicular strikes;
- Survey requirement to identify unoccupied natural burrows available for immediate use or enhancement and the design and installation of supplemental artificial burrows within the site;
- Burrow excavation methods;
- Creation of artificial burrows;
- Trapping procedures for each Phase following CDFW guidelines;
- Procedures for relocation, including methodology for soft releasing and supplemental feeding for lactating females and dependent young;
- Post-relocation monitoring and surveys;
- Health assessments;
- Handling and releasing procedures including temperature restrictions (no Mohave ground squirrel shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 90°F);
- Transporting procedures; and
- Temporary holding procedures.

All CDFW comments shall be resolved and/or incorporated prior to approval of the plan. Covered Activities shall not commence until the plan is approved in writing by CDFW. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrels handled or encounter during live trapping and burrow excavations. Permittee shall submit reports documenting the live trapping, burrow excavation, and relocation results to CDFW within 30 calendar days after performing them.

7.23. Mohave Ground Squirrel Live Trapping. The Authorized Biologist shall live trap within the appropriate Phase of the solar development area and shall relocate Mohave ground

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

squirrel individuals live trapped per the Mohave Ground Squirrel Relocation Plan approved by CDFW per Condition of Approval 7.22. Live trapping methodology shall follow the California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (January 2003; revised July 2010, October 2023) unless otherwise specified by this ITP. Live trapping shall be conducted for a minimum of three sessions on consecutive days for Phase 1. The Authorized Biologist shall not proceed with Condition of Approval 7.24 for Phase 1 until two consecutive Mohave ground squirrel trapping sessions (not including the first trapping session) under this Condition of Approval 7.23 result in no live trappings. Phase 2 live trapping shall occur in mid-February to early March 2026, prior to desert tortoise clearance surveys. During Phase 2 live trapping, any captured lactating female Mohave ground squirrel that may have dependent young in the burrow shall be released and the Authorized Biologist shall attempt to follow the lactating female back to the natal burrow. The Authorized Biologist shall attempt to recapture the lactating female and dependent young as described in Condition of Approval 7.24. Live trapping for Phase 2 shall occur for at least seven consecutive days. After seven consecutive days of live trapping attempts, trapping shall continue if live individuals were captured on the seventh day of trapping and shall continue until two consecutive days of trapping attempts yield zero captured Mohave ground squirrels. The trapping proposal for each Phase containing a map of the trapping grids and number of traps per acre shall be submitted for CDFW review and approval within the Mohave Ground Squirrel Relocation Plan. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrel handled or encountered. Permittee shall submit a report documenting the results to CDFW within 30 calendar days after performing them.

- 7.24. Pre-Construction Surveys for Mohave Ground Squirrels.** After live trapping per Condition of Approval 7.23, the Authorized Biologist(s) shall excavate all known or suspected Mohave ground squirrel burrows within the solar development Phase area. Excavations in Phase 2 shall not commence until desert tortoise clearance surveys as set forth in Conditions of Approval 7.11 and 7.12 are commenced in April 2026, except that known Mohave ground squirrel natal burrows identified as set forth in Condition of Approval 7.23 may be excavated prior to desert tortoise clearance surveys. Excavation shall not be performed under any circumstance when the ambient air temperature exceeds 90° F. The Authorized Biologist shall collect and relocate Mohave ground squirrel individuals encountered during excavation per the Mohave Ground Squirrel Relocation Plan approved by CDFW per Condition of Approval 7.22. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrel handled or encountered. A report documenting the results of the excavation shall be submitted to CDFW within 30 calendar days after performing them.

Western Burrowing Owl Take Minimization Measures

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

7.25. Burrowing Owl Mortality Reduction Plan. Permittee shall submit a Burrowing Owl Mortality Reduction Plan prepared by an approved BUOW Authorized Biologist to CDFW at least 30 days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities 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: the division of Covered Activities that will take place within each Phase, detailed description of survey methodology; detailed burrow exclusion and excavation methods; methods for monitoring BUOW post-exclusion; proposed avoidance buffers based on Covered Activities and disturbance level; proposed Covered Activities that may occur within a reduced buffer request; 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. The plan shall also include a section describing burrow replacement according to Condition of Approval 7.26. Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the Authorized Biologist, shall handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.

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

7.26. Burrowing Owl Burrow Replacement. Permittee shall replace each known BUOW burrow that cannot be avoided (as defined in Condition of Approval 7.30) 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. The BUOW Burrow Replacement section within the BUOW Mortality Reduction 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 to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; and timing of BUOW artificial burrow installation/construction.

7.27. Burrowing Owl Pre-Construction Surveys and Reporting. Prior to each Phase, the BUOW Authorized Biologist(s) shall conduct surveys to identify, flag, and map all potential, known, and/or nesting burrows (as defined in Condition of Approval 7.29) within 15 calendar days prior to beginning Covered Activities in the entire Phase area. Two separate surveys under this Condition of Approval 7.27 shall be conducted for Phase 1 if solar

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

development and the gen-tie corridor will not be constructed concurrently. Surveys shall include the Phase and 500 feet (where feasible) beyond the limits of the Phase, unless otherwise approved in advance and in writing by CDFW. If the BUOW Authorized Biologist identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval 7.30 and 7.31 unless avoided per Condition of Approval 7.29. Permittee shall provide the pre-construction survey results with a Burrow Map (see Condition of Approval 7.28) in a written report to CDFW's Regional Representative at least 5 calendar days prior to the beginning of Covered Activities in that Phase. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If a lapse in Project related work of 14 calendar days or longer occurs in any part of the Phase, Permittee shall contact the CDFW Regional Representative by email and may be required to conduct additional BUOW burrow surveys and Burrow Map before work may be reinitiated in that part of the Phase.

7.28. Burrow Map. The BUOW Authorized Biologist shall provide a KMZ map to CDFW of all BUOW burrows found during the surveys for each Phase performed per Condition of Approval 7.27. The map shall show details and locations of all BUOW sightings and potential, known, and nesting BUOW burrows as defined in Condition of Approval 7.30. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.

7.29. Burrowing Owl 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 shows evidence of current or past use within the last 3 years or is known based on Project observations to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) is discovered, Permittee shall establish a minimum no-disturbance buffer. A no-disturbance buffer as described in the BUOW Mortality Reduction Plan shall be established around known BUOW burrows.
- If a BUOW burrow used for nesting (e.g., known BUOW burrow with 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, the Permittee shall follow procedures outlined in the BUOW Mortality Reduction Plan.
- If BUOW burrows cannot be avoided as described above, then the Permittee shall follow the BUOW Mortality Reduction Plan and ITP Conditions of Approval 7.30, and 7.31 as appropriate. If BUOW are visibly stressed by the Covered Activities or workers

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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 BUOW Authorized Biologist(s) based on their behavioral observations of the affected BUOW. The Authorized Biologist(s) shall report to CDFW any buffers that were increased due to behavioral observations for evaluation and determination of buffer effectiveness.

7.30. Burrowing Owl Burrow Exclusion and Excavation. During each Phase, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the Authorized Biologist, shall excavate known or potential burrows that exhibit signs of current or past BUOW use or characteristics suggestive of BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval 7.29 and that are within the footprint of ground-disturbing activities. Exclusion shall occur outside the breeding season unless otherwise approved by CDFW in advance in writing. 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. BUOW Burrows located in the Phase 2 area may be excluded but shall not be excavated until the desert tortoise active season beginning April 1, 2026. 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. Each burrow excavation shall require two biologists (two BUOW Authorized Biologists or an BUOW Authorized Biologist assisted by a Biological Monitor). The Authorized Biologist shall excavate the burrow, while the second biologist maintains constant line of site in the burrow.

- Potential BUOW burrows (any subterranean hole three inches or larger for which no evidence is present to conclude that the burrow is being used or has been used by a BUOW) without any signs of BUOW use or characteristics suggesting it is a BUOW burrow may be excavated immediately by the BUOW Authorized Biologist(s) and assisted by another BUOW Authorized Biologist or Biological Monitor without prior camera monitoring.
- Excavation of known BUOW burrows shall only occur after the Authorized Biologist(s) has determined that BUOW is not currently present after 4 consecutive 24-hour period of monitoring with infrared cameras. 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 BUOW individuals are inside. If during the excavation process, evidence of current use by BUOW is discovered, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. CDFW shall be notified immediately.

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- 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.

7.31. Burrowing Owl Burrow Blockage. If an unoccupied BUOW burrow outside of the Project area can be avoided by construction and does not need to be collapsed, but is within a distance of construction to cause significant stress to the BUOW, the Permittee shall block rather than destroy the burrow. The blocked burrow shall be unblocked and made available for use after construction is complete. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Authorized Biologist(s) has conducted four consecutive 24-hour periods of monitoring with an infrared camera(s) and determined that BUOW is not currently present. 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 BUOW Authorized Biologist or Biological Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW gains 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-related Covered Activities within the prescribed buffer distance. BUOW burrows in Phase 2 areas shall not be blocked during Phase 1 Covered Activities. If the BUOW burrow exhibits sign of desert tortoise use, the Permittee shall coordinate with CDFW prior to blocking activity.

7.32. Burrowing Owl Injury. If a BUOW is injured or found dead within the vicinity of the Project Area, the Permittee shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail as described in Condition of Approval 6.3. The BUOW Authorized Biologist shall follow the BUOW Mortality Reduction Plan to either immediately: transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility; or follow approved collection and storage procedures for deceased animals. Both options shall be identified per Condition of Approval 7.25. Permittee shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).

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

To meet this requirement, the Permittee shall purchase 1,208.0 acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 8.2 below OR shall provide for both the permanent protection and management of 1,208.0 acres of desert tortoise, 1,190.8 acres of Mohave ground squirrel, and 1,208.0 acres of western burrowing owl of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Mitigation credit purchase and/or HM lands acquisition may be nested as such that the mitigation lands for one species may cover the mitigation requirements for the other species if it meets the selection criteria for each. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows: Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$4,00.00/acre for 1,208.0 acres: **\$4,832,000.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;

8.1.1 All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 8.3.1 and 8.3.2 below: **\$17,440.00;**

8.1.2 Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$2,000.00/acre for 1,208.0 acres: **\$2,416,000.00;**

8.1.3 Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$600.00/acre for 1,208.0 acres: **\$724,800.00;**

8.1.4 Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$3,000.00/acre for 1,208 acres: **\$3,624,000.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management

8.1.5 Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$6,000.00**.

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

8.1.6 All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$75,000.00**.

8.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 1,208.0 acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

8.3. Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations (1,208.0 acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits), then the Permittee shall:

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

8.3.2 **Conservation Easement.** If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the 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

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

- 8.3.3 HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species;
- 8.3.4 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;
- 8.3.5 Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.3.6 Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.
- 8.3.7 Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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.

8.4. Endowment Fund. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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

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

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

8.4.2.1 **Capitalization Rate and Fees.** Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.

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

8.4.2.3 **10 Percent Contingency.** A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

8.4.2.5 Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

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

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

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

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

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

9. **Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 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 **\$11,695,240.00** or in the amount identified in 8.1 specific to the obligation that has not been completed. This amount is

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, 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 5) 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 begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee 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:

Credit Purchase

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

Habitat Management Land Acquisition (HMLA)

- 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

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

IX. Amendment:

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-032-06) in a cover letter and on any other associated documents.

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

Original cover with attachment(s) to:

Heidi Calvert, Regional Manager
California Department of Fish and Wildlife
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
Telephone (909) 484-1067
R6CESA@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:

Marlee Poff
Inland Deserts Region
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
Telephone (909) 544-2531
Marlee.Poff@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, San Bernardino County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Overnight Solar Project (SCH No.: 202410434) dated April 2025 that the County of San Bernardino certified for Overnight Solar Project on August 19, 2025. At the time the lead agency certified the EIR 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 EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

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.

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

XIV. Findings Pursuant to CESA:

These findings are intended to document CDFW’s compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code, § 2081, subds. (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 submitted by the Permittee, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW’s estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 1,345.1 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee’s objectives to the greatest extent possible;

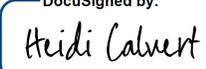
Incidental Take Permit
 No. 2081-2024-032-06
 Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

- (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.

XV. Attachments:

FIGURE 1	Map of Project
FIGURE 2	Project Phasing
ATTACHMENT 1	Amended Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Desert Tortoise Resume Form
ATTACHMENT 4	Raven Management Renewable Deposit Document
ATTACHMENT 5	Letter of Credit Form
ATTACHMENT 6	Minor Amendment No. 1 with Track Changes

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 02/24/2026

DocuSigned by:

CAEE4779B63E4A3...

Heidi Calvert, Regional Manager
Inland Deserts Region

Incidental Take Permit
No. 2081-2024-032-06
Amendment No. 1
OVERNIGHT SOLAR, LLC
OVERNIGHT SOLAR

Figure 1

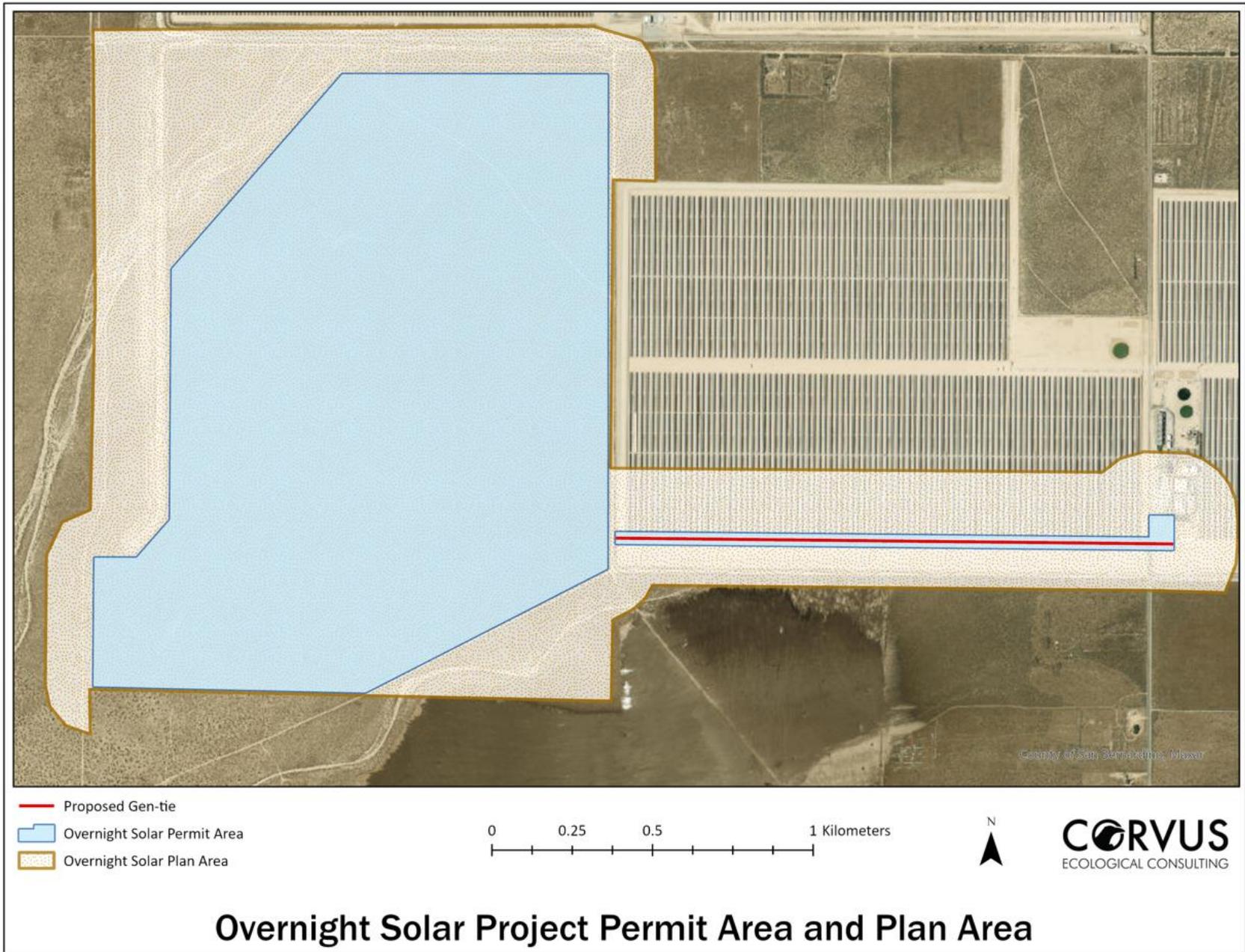


Figure 2 – Project Phase Map



Overnight Solar Project Phased Approach Overview

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2024-032-06-A1

PERMITTEE: Overnight Solar, LLC

PROJECT: Overnight Solar Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall designate Biological Monitor(s) knowledgeable and experienced in the biology and natural history of the Covered Species through education, trainings, field experience, and/or experience as a Biological Monitor on similar projects, and experience conducting guideline or protocol level presence/absence surveys, locating, identifying, and recording all forms of desert tortoise and western burrowing owl sign, identifying Mohave ground squirrel in the field, setting up camera stations and identifying species in photos, and monitoring compliance of the conditions of approval within a state or federal ITP obtained for projects in Covered Species habitat. The Biological 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.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities /Entire Project	Permittee	
3	Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of the Covered Species through education, trainings, field experience, and/or experience as an Authorized Biologist on similar projects, and experience monitoring compliance of the conditions of approval within a state or federal ITP obtained for projects in Covered Species habitat. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, scoping and excavating burrows, handling and temporarily holding the Covered Species, relocating/translocating the Covered Species, reconstructing Covered Species burrows, locating, identifying, and recording all forms of Covered Species signs, conducting Covered Species health assessments, conducting Covered Species guideline or protocol level surveys, and if determined necessary by CDFW, collecting Covered Species blood samples and attaching and removing transmitters. Authorized Biologist(s) for Mohave ground squirrel shall demonstrate experience with trapping Mohave ground squirrel as authorized under the Fish and Game Code, identifying Mohave ground squirrel in the field, handling and processing small mammals, scoping and excavating small mammal burrows, creating artificial burrows, and setting up camera stations and identifying species in photos. Authorized Biologists for western burrowing owl shall have experience conducting passive exclusion activities, establishing no-disturbance buffers, scoping and excavating burrows, and monitoring blocked burrows.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities/Entire Project	Permittee	
4	Permittee shall identify a veterinarian(s) for the Covered Species. Permittee shall obtain written confirmation from the veterinarian(s) that they will accept injured Covered Species for treatment. Written confirmation shall also contain the veterinarian's contact information and facility location. Permittee shall provide a copy to CDFW before starting Covered Activities. The contact information and location of the facility shall be on site for the Authorized Biologist(s) during Covered Activities.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<p>Permittee shall identify a wildlife rehabilitation facility that holds a current Memorandum of Understanding (MOU) issued by CDFW pursuant to Fish and Game Code section 2081, subdivision (a) prior to start of Covered Activities and receive written confirmation from the facility that Covered Species individuals can be accepted for rehabilitation before starting Covered Activities. Written confirmation from the facility, contact information for the point of contact at the facility, and a copy of the facility's MOU shall be provided to CDFW. The contact information and location of the facility shall be on-site for the Authorized Biologist(s) during Covered Activities.</p>	<p>ITP Condition #5.5</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	
6	<p>Permittee shall obtain CDFW approval of the Authorized Biologist(s), Biological Monitor(s), veterinarian(s), and wildlife rehabilitation facility, in writing before starting Covered Activities, and shall also obtain advanced written approval if any of these entities are changed. For biologist(s) approval, the Designated Representative shall submit the Biologist Resume Forms (Attachments 2 and 3) of the ITP a minimum of 30 calendar days, or timing as approved by CDFW, before starting Covered Activities, or before any changes are made to these personnel. Permittee shall ensure the Biologist Resumes Forms thoroughly address the experience of the biologist that qualifies that individual to perform all the tasks described by Conditions of Approval 5.2 and 5.3, and relevant Conditions of Approvals throughout the ITP and associated Covered Species plans (Condition of Approvals 7.14, 7.22, and 7.25). CDFW approvals are separate from any biologist(s) approved by the United States Fish and Wildlife Service (USFWS) through Incidental Take Permit for the Desert Tortoise for the Overnight Solar Project (ESPER20703861) for the Project pursuant to the ESA.</p>	<p>ITP Condition #5.6</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Permittee</p>	
7	<p>To ensure compliance with the Conditions of Approval of the ITP, the Authorized Biologist(s) and/or Biological Monitor(s) shall have authority and take necessary steps to immediately stop work if any activity that does not comply with the ITP and/or Authorized Biologist(s) shall order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. If Authorized Biologist(s) and/or Biological Monitor(s) stops work on the Project site, work shall not resume until an Authorized Biologist determines that all activities are in compliance with the ITP and communicates that determination to the onsite manager. Permittee shall inform all persons employed or otherwise working in the Project Area that Authorized Biologist(s) and/or Biological Monitor(s) have the authority described in this subsection. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Authorized Biologist(s) and/or Biological Monitor(s) in the performance of his/her duties. If the Authorized Biologist(s) and/or Biological Monitor(s) is unable to comply with the ITP, then the Authorized Biologist(s) and/or Biological Monitor(s) shall notify the CDFW Representative immediately.</p>	<p>ITP Condition # 5.7</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	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 Authorized Biologist(s) and/or Biological Monitor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in 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 # 5.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at daily intervals to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
10	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. Permittee shall clearly delineate the Phase 1 and Phase 2 areas with fencing to properly exclude ground-disturbing Covered Activities from occurring in Phase 2 prior to April 1, 2026.	ITP Condition # 5.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
11	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.	ITP Condition # 5.14	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	The Designated Representative shall notify CDFW 14 calendar days, or timing as approved by CDFW, before starting Covered Activities in each Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p>Prior to each Phase, the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys in the Phase's solar array development area for Covered Species, using the methods described in the most recent USFWS Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual) along the fencing alignment and 50-foot buffer. Phase 1 surveys occurred during fall and winter of 2025. Phase 2 surveys shall occur during desert tortoise active season commencing on April 1, 2026. If desert tortoise are found during the pre-construction surveys, the Authorized Biologist(s) shall relocate the individual(s) based on the methods described in Condition of Approval 7.14 if determined necessary by the Authorized Biologist, or shall be monitored in place. If the permanent desert tortoise exclusionary fence or temporary exclusion fencing is installed during desert tortoise inactive season a fencing plan shall be submitted to CDFW for review and approval prior to commencing fence installation. The permanent fencing plan shall include gaps in the fence to allow Covered Species to enter and exit the Project Area, and closure of the gaps during the subsequent desert tortoise active season, and clearance surveys performed per Condition of Approval 7.12. The temporary exclusionary fencing dividing the Phases shall not be removed until commencing Condition of Approval 7.12 in Phase 2.</p>	ITP Condition # 7.11	Before commencing ground- or vegetation-disturbing activities	Permittee/ Authorized Biologist/ Biological Monitor	
14	<p>Prior to each Phase, the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys in the solar array development area for Covered Species, using the methods described in the USFWS Field Manual. Pre-construction clearance surveys required under this Condition of Approval occurred during fall and winter of 2025 for Phase 1, and shall occur in April of 2026 for Phase 2. In addition to the guidance provided in the USFWS Field Manual, CDFW provides the following requirement(s): Pre-construction clearance surveys shall be completed using perpendicular survey routes within the solar array development area. Pre-construction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until two (2) negative results from consecutive surveys using perpendicular survey routes for the Covered Species are documented.</p> <ul style="list-style-type: none"> • These surveys shall cover 100 percent of the solar array development area for each Phase within the permanent/temporary desert exclusionary fencing. The Authorized Biologist(s) and/or Biological Monitor(s) shall record all potential Covered Species and burrows within the pre-construction clearance survey area, using global positioning system (GPS) technology. The Authorized Biologist(s) and/or Biological Monitor(s) shall provide the results of the pre-construction clearance survey (including all information of the USFWS Protocol data sheet) to CDFW within 10 calendar days of completing the surveys. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them. 	ITP Condition #7.12	Before commencing ground- or vegetation-disturbing activities within exclusionary fencing	Permittee/ Authorized Biologist/Biological Monitor	

<p>15</p>	<p>Regardless of the number of desert tortoise estimated to be moved out of harm's way, the Permittee shall prepare a Desert Tortoise Relocation Plan (DTRP) 30 calendar days prior to start of Covered Activities and submit it according to Condition of Approval 6.3 of this ITP. Covered Activities are not authorized to start until the DTRP is approved in writing by CDFW. The DTRP shall follow the most current guidelines provided by USFWS and CDFW regarding Covered Species translocation. Where guidance differs between USFWS and CDFW, verbal and/or written direction provided by CDFW always controls. If long-distance translocation is determined necessary, Permittee shall revise the DTRP for CDFW review and approve to address translocation.</p> <p>The list of items below are the most common examples of the differences between CDFW and USFWS guidelines. These shall be included in the DTRP along with the most recent USFWS translocation guidelines:</p> <p>Relocated tortoise are desert tortoises removed from the Project Area and/or have a radio transmitter attached if determined appropriate by CDFW per the DTRP.</p> <p>The Authorized Biologist shall determine when the creation of artificial burrows is needed. Ambient air temperature guidelines shall be followed as specified in Condition of Approval 7.15 of this ITP.</p> <p>Desert tortoises <100 millimeters (mm) midline carapace length (MCL) shall be released immediately without being held or transmittered or blood drawn for disease testing as long as the temperature requirements in Condition of Approval 7.15 of this ITP above are met.</p> <p>Desert tortoises captured for release shall undergo health assessments that include protocols from the Health Assessment Procedures for the Mojave Desert Tortoise (<i>Gopherus agassizii</i>) (USFWS) including: assessing clinical signs of disease, behavioral irregularities, parasites, and body condition. Blood draws for disease assessment shall only occur if deemed necessary by CDFW for long-distance translocation.</p> <p>If a desert tortoise voids during health assessments, then the Authorized Biologist(s) shall follow the methods described in Condition of Approval 7.16 on Desert Tortoise Rehydration Procedures.</p> <p>If long-distance translocation is determined necessary, CDFW does not authorize the release of desert tortoises that test positive for disease even if it does not show outward signs of the disease. If a desert tortoise tests positive for disease, it is the responsibility of the Permittee to locate a CDFW approved facility to place the desert tortoise in. Any exception to this determination will need to be approved in writing by CDFW on a case-by-case basis.</p> <p>If long-distance translocation is determined necessary, disease testing shall not be done between November 1 and May 14. If a desert tortoise >100 MCL is found between November 1 and May 14 or earlier, the desert tortoise shall be held in quarantine facilities and shall remain in quarantine until tested (once in the spring and once in the fall), with written approval from CDFW. If the desert tortoise tests negative for disease, it can be released in accordance with the approved revised DTRP. Blood draw samples for <i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i> shall be determined if a desert tortoise is negative or positive for disease. A combination of results from blood testing and visual inspection will be used to determine the health of the desert tortoise. Blood draw samples will be sent to: Dr. Mary Brown, University of Florida, Department of Infectious Diseases and Immunology, 2015 SW 16th Ave., Room V2-234, Gainesville Florida 32608, or other facility approved by CDFW. CDFW uses enzyme-linked immune assay (ELISA) test results to determine if a desert tortoise is positive for disease. The ELISA tests will be used to test for exposure to herpes virus (<i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i>). See https://labs.vetmed.ufl.edu/all-tests/tortoise-mycoplasma-testing/.</p>	<p>ITP Condition # 7.14</p>	<p>30 calendar days prior to start of Covered Activities</p>	<p>Permittee</p>	
-----------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------	--------------------------------------------------------------	------------------	--

<p>If a desert tortoise tests positive for or is suspected of disease, then the desert tortoise will be tested twice for disease (once in the spring after May 15 and once in the fall). To determine results of blood testing, use the most current guidelines provided by the University of Florida Mycoplasma Laboratory Department of Infectious Diseases and Immunology.</p> <p>The DTRP shall include a requirement that all relocated, and if necessary, translocated desert tortoises, regardless of size, be included in the relocation/translocation numbers and all reports. The DTRP shall include methodology for construction of temporary pens around desert tortoise hatchlings found outside of desert tortoise active season, and desert tortoise burrows located in Phase 2. All construction of temporary pens for desert tortoise shall follow the USFWS Field Manual guidelines. The DTRP shall also include provisions for daily monitoring of any penned desert tortoises. Desert tortoise pens shall be constructed in Phase 2 immediately after burrowing owl exclusion (described in Condition of Approval 7.30) occurs.</p> <p>The DTRP shall propose one recipient site. Recipient sites shall have the vegetative structure to support all life stages of desert tortoises. In addition to the USFWS Field Manual guidelines the DTRP shall also include identifying the known threats or potential causes of population decline, how potential threats have been or would be addressed, complete physical examination and health assessments (with sample collection if required by CDFW), age-structure and sex ratios, protocol level surveys, vegetation classification and quality of habitat. The DTRP shall detail which characteristics are to be used to decide if a recipient site is similar enough to a Project Area including burrow aspects, and recovery needs such as habitat restoration and/or predator control.</p> <p>All desert tortoises relocated in the Project boundary shall be monitored during construction, and for 5 years post-construction. Monitoring shall include surveys of the relocation area during each active season and health assessments on all desert tortoises found within said surveys following the methods described in Health Assessment Procedures for the Mojave Desert Tortoise (<i>Gopherus agassizii</i>) (USFWS). Blood draws for disease assessment are not required. If determined necessary, long-distance recipient sites shall be a minimum of 4 miles (6.5 kilometers) away from highways/road rights-of-way that do not include desert tortoise exclusionary fencing.</p> <p>All desert tortoise burrows within the Project Area shall be excavated following procedures outlined in the U.S. Fish and Wildlife Service Desert Tortoise Field Manual during each Phase. No desert tortoise burrows shall be excavated in the Phase 2 Project Area until clearance surveys are conducted during the desert tortoise active season in April 2026.</p> <p>Creation of artificial burrows, as well as relocation or translocation of desert tortoises and eggs shall only occur on land(s) when written authorization has been obtained from the landowner (including Bureau of Land Management) if the land is not owned by the Permittee, prior to the start of Covered Activities. The written permission from the landowner shall be included in the DTRP, and the DTRP shall not be approved by CDFW until authorization is provided in writing. If creation of artificial burrows or relocation or translocation of desert tortoises or eggs is proposed to take place on private lands not owned by the Permittee, then in addition to written approval required above, some form of protection for the land, such as a conservation easement, shall be in place prior to translocation occurring.</p> <p>Cleaning and Disinfection Protocol. Trifectant and Rescue Ready to Use One Step Disinfectant Cleaner are the only products authorized under this ITP and its associated DTRP to be used as a disinfectant. These products are not authorized to be applied using a spray bottle or other spray methods.</p> <p>Cleaning and Disinfection Protocol shall include the following: Remove all grossly visible debris.</p>				
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--	--

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Wash the area or item with water and mild detergent. Thoroughly rinse the cleaned area to remove any detergent residue. Allow the area to dry completely Apply disinfectant mixture. Allow the full disinfectant product recommended contact time. Thoroughly rinse away any residual disinfectant and allow the area or item to air dry.				
16	<p>The Permittee shall prepare a Raven Management Plan to minimize the potential to attract common ravens to the site and submit it to CDFW at least 15 days prior to start of Covered Activities for review and approval. The RMP shall be an amendable document that shall be updated to include the latest science and guidance as directed by CDFW. The Permittee prepared RMP shall:</p> <ul style="list-style-type: none"> • Identify conditions associated with Covered Activities that might provide raven subsidies or attractants; • Describe management practices to avoid or minimize conditions that might increase raven numbers and predatory activities; and • Describe monitoring during Covered Activities, including methods to identify individual ravens that prey on desert tortoises. • Describe prevention of water pooling in retention basins and under arrays <p>In addition, the Permittee shall provide funds to the Renewable Energy Action Team (REAT) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on the desert tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a one-time payment of \$105 per acre of project disturbance. Based on this calculation the Permittee shall provide a one-time payment at \$105.00/acre for 595.4 at \$62,517.00 to the REAT account established with NFWF's Raven Management Plan fund. A minimum of 15 days, or timing as approved by CDFW, prior to the start of Covered Activities these funds shall be provided to NFWF using appropriate deposit document (Attachment 4) and proof of paying this fee shall be provided to CDFW within 24 hours after the funds have been provided to NFWF. CDFW shall not require payment for the gen-tie corridor, as it was previously mitigated through Mojave Solar facility's take authorization.</p>	ITP Condition # 7.18	A minimum of 15 days prior to the start of Covered Activities	Permittee	
17	<p>Gate locations and design for the purpose of excluding desert tortoise shall be provided to CDFW and shall be approved by CDFW in writing prior to starting Covered Activities. The design of shall ensure full exclusion of Covered Species. Gates shall be automatic and programmed to open and close for each vehicle ingress and egress. The gate shall never be left open by workers, which would allow Covered Species to enter the site. Should non-compliance of this Condition of Approval occur and gates be left open by workers, all work within the Project Area shall immediately cease and a clearance survey shall be performed by the Authorized Biologist following the methodology described in Condition of Approval 7.12. Gate design shall specify a V-track gate with desert tortoise exclusion fencing attached to decrease the clearance between the bottom of the gate and ground to less than one inch. Gates shall be regularly maintained to ensure proper function (e.g. track shall be checked regularly for sand or any other substance that may hinder its ability to close properly).</p>	ITP Condition # 7.19	Prior to starting Covered Activities/Entire Project	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<p>During each Phase, permanent desert tortoise exclusion fencing shall be attached to the 7-foot-high standard chain link security fencing. This fencing shall be installed around the northern, western, and southern boundaries of the solar facility development footprint, in addition to the existing fencing along the shared boundary between the solar facility and the adjacent facilities to the east. The fence shall be constructed according to Chapter 8 of the USFWS Field Manual, but if any tortoises <100mm MCL are translocated within 500 meters of the Project site, tortoise fencing shall be 16 gauge or heavier galvanized after welded wire with mesh opening of ½ inch horizontal by ½ inch vertical. The Permittee shall install shade structures along the outer fence perimeter placed every 500 feet along the western boundaries, and a minimum of every 1,000 feet along the remaining perimeter. To prevent potential access at site access points, all gates shall be installed with desert tortoise exclusion fencing affixed along the bottom portion of the gate structure.</p>	ITP Condition # 7.20	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	<p>Regardless of the number of Mohave ground squirrel estimated to be relocated a short distance away out of harm's way, Permittee shall prepare and submit a Mohave Ground Squirrel Relocation Plan for CDFW review at least 30 calendar days prior to start of all Covered Activities. The relocation plan shall include parameters in which Authorized Biologists may relocate Mohave ground squirrel to minimize impact to the individual. The plan at a minimum shall contain the following descriptions:</p> <ul style="list-style-type: none"> • Recipient site selection criteria and characteristics that will benefit the relocated Mohave ground squirrel (including land ownership (and approval if not owned by the Permittee)), maximum distance from Covered Activity work area based on surround land uses, presence of native vegetation species and percentage of cover, no predator sign and concentrations, friable soil types, and lack of anthropogenic features); • Minimum distance away from paved highway/roads to reduce vehicular strikes; • Survey requirement to identify unoccupied natural burrows available for immediate use or enhancement and the design and installation of supplemental artificial burrows within the site; • Burrow excavation methods; • Creation of artificial burrows; • Trapping procedures for each Phase following CDFW guidelines; • Procedures for relocation, including methodology for soft releasing and supplemental feeding for lactating females and dependent young; • Post-relocation monitoring and surveys; • Health assessments; • Handling and releasing procedures including temperature restrictions (no Mohave ground squirrel shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 90°F); • Transporting procedures; and • Temporary holding procedures. <p>All CDFW comments shall be resolved and/or incorporated prior to approval of the plan. Covered Activities shall not commence until the plan is approved in writing by CDFW. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrels handled or encounter during live trapping and burrow excavations. Permittee shall submit reports documenting the live trapping, burrow excavation, and relocation results to CDFW within 30 calendar days after performing them.</p>	ITP Condition # 7.22	At least 30 calendar days prior to the start of all Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<p>The Authorized Biologist shall live trap within the appropriate Phase of the solar development area and shall relocate Mohave ground squirrel individuals live trapped per the Mohave Ground Squirrel Relocation Plan approved by CDFW per Condition of Approval 7.22. Live trapping methodology shall follow the California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (January 2003; revised July 2010, October 2023) unless otherwise specified by this ITP. Live trapping shall be conducted for a minimum of three sessions on consecutive days for Phase 1. The Authorized Biologist shall not proceed with Condition of Approval 7.24 for Phase 1 until two consecutive Mohave ground squirrel trapping sessions (not including the first trapping session) under this Condition of Approval 7.23 result in no live trappings. Phase 2 live trapping shall occur in mid-February to early March 2026, prior to desert tortoise clearance surveys. During Phase 2 live trapping, any captured lactating female Mohave ground squirrel that may have dependent young in the burrow shall be released and the Authorized Biologist shall attempt to follow the lactating female back to the natal burrow. The Authorized Biologist shall attempt to recapture the lactating female and dependent young as described in Condition of Approval 7.24. Live trapping for Phase 2 shall occur for at least seven consecutive days. After seven consecutive days of live trapping attempts, trapping shall continue if live individuals were captured on the seventh day of trapping and shall continue until two consecutive days of trapping attempts yield zero captured Mohave ground squirrels. The trapping proposal for each Phase containing a map of the trapping grids and number of traps per acre shall be submitted for CDFW review and approval within the Mohave Ground Squirrel Relocation Plan. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrel handled or encountered. Permittee shall submit a report documenting the results to CDFW within 30 calendar days after performing them.</p>	ITP Condition # 7.23	Before commencing ground- or vegetation-disturbing activities	Permittee/ Authorized Biologist	
21	<p>After live trapping per Condition of Approval 7.23, the Authorized Biologist(s) shall excavate all known or suspected Mohave ground squirrel burrows within the solar development Phase area. Excavations in Phase 2 shall not commence until desert tortoise clearance surveys as set forth in Conditions of Approval 7.11 and 7.12 are commenced in April 2026, except that known Mohave ground squirrel natal burrows identified as set forth in Condition of Approval 7.23 may be excavated prior to desert tortoise clearance surveys. Excavation shall not be performed under any circumstance when the ambient air temperature exceeds 90° F. The Authorized Biologist shall collect and relocate Mohave ground squirrel individuals encountered during excavation per the Mohave Ground Squirrel Relocation Plan approved by CDFW per Condition of Approval 7.22. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrel handled or encountered. A report documenting the results of the excavation shall be submitted to CDFW within 30 calendar days after performing them.</p>	ITP Condition # 7.24	Before commencing ground- or vegetation-disturbing activities	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	<p>Permittee shall submit a Burrowing Owl Mortality Reduction Plan prepared by an approved BUOW Authorized Biologist to CDFW at least 30 days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities 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: the division of Covered Activities that will take place within each Phase, detailed description of survey methodology; detailed burrow exclusion and excavation methods; methods for monitoring BUOW post-exclusion; proposed avoidance buffers based on Covered Activities and disturbance level; proposed Covered Activities that may occur within a reduced buffer request; 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. The plan shall also include a section describing burrow replacement according to Condition of Approval 7.26. Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the Authorized Biologist, shall handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.</p> <p>Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any changes proposed by the Permittee 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 # 7.25	At least 30 days prior to the start of Construction Activities	Permittee/ Authorized Biologist	
23	<p>Prior to each Phase, the BUOW Authorized Biologist(s) shall conduct surveys to identify, flag, and map all potential, known, and/or nesting burrows (as defined in Condition of Approval 7.29) within 15 calendar days prior to beginning Covered Activities in the entire Phase area. Two separate surveys under this Condition of Approval 7.27 shall be conducted for Phase 1 if solar development and the gen-tie corridor will not be constructed concurrently. Surveys shall include the Phase and 500 feet (where feasible) beyond the limits of the Phase, unless otherwise approved in advance and in writing by CDFW. If the BUOW Authorized Biologist identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval 7.30 and 7.31 unless avoided per Condition of Approval 7.29. Permittee shall provide the pre-construction survey results with a Burrow Map (see Condition of Approval 7.28) in a written report to CDFW's Regional Representative at least 5 calendar days prior to the beginning of Covered Activities in that Phase. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If a lapse in Project related work of 14 calendar days or longer occurs in any part of the Phase, Permittee shall contact the CDFW Regional Representative by email and may be required to conduct additional BUOW burrow surveys and Burrow Map before work may be reinitiated in that part of the Phase.</p>	ITP Condition # 7.27	Within 30 calendar days prior to commencing ground- or vegetation-disturbing activities	Permittee/ Authorized Biologist	
24	<p>The BUOW Authorized Biologist shall provide a KMZ map to CDFW of all BUOW burrows found during the surveys for each Phase performed per Condition of Approval 7.27. The map shall show details and locations of all BUOW sightings and potential, known, and nesting BUOW burrows as defined in Condition of Approval 7.30. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.</p>	ITP Condition # 7.28	Prior to the start of Covered Activities	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<p>CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall purchase 1,345.1 acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 8.2 below OR shall provide for both the permanent protection and management of 1,345.1 acres of desert tortoise, 1,190.8 acres of Mohave ground squirrel, and 1,208.0 acres of western burrowing owl of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Mitigation credit purchase and/or HM lands acquisition may be nested as such that the mitigation lands for one species may cover the mitigation requirements for the other species if it meets the selection criteria for each. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.</p>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<p>8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows: Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$4,00.00/acre for 1,345.1 acres: \$5,380,400.00. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</p> <p>8.1.1 All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 8.3.1 and 8.3.2 below: \$17,440.00;</p> <p>8.1.2 Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$2,000.00/acre for 1,345.1 acres: \$2,690,200.00;</p> <p>8.1.3 Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$600.00/acre for 1,345.1 acres: \$807,060.00;</p> <p>8.1.4 Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$3,000.00/acre for 1,345.1 acres: \$4,035,300.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management</p> <p>8.1.5 Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at \$6,000.00.</p> <p>8.1.6 All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$75,000.00.</p>	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	<p>If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 1,345.1 acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.</p>	ITP Condition #8.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations (1,345.1 acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits), then the Permittee shall:	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	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.	ITP Condition #8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
30	If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.	ITP Condition #8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
31	Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;	ITP Condition #8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
32	Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;	ITP Condition #8.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.	ITP Condition #8.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
34	Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;	ITP Condition #8.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
35	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.	ITP Condition #8.3.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	<p>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 required by Condition of Approval 9.3.5. 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 #8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
37	<p>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).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	ITP Conditions #8.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	After obtaining CDFW approval of the HM lands, long-term management plan, and Endowment Fund Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Conditions #8.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
39	Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.	ITP Conditions #8.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
40	Permittee shall include in endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment Fund: <ul style="list-style-type: none"> • A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • The endowment shall be established assuming spending will not occur for the first three years after full funding. • For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Conditions #8.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
41	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.	ITP Conditions #8.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<p>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 #8.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
43	<p>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 Conditions #8.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> • Security Amount. The Security shall be in the amount of \$13,011,400.00 or in the amount identified in 8.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. • Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. • Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first. • Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. • Security Transmittal. Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. • 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 the ITP. • 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: <p>Credit Purchase</p> <ul style="list-style-type: none"> • Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and • Timely submission of all required reports. <p>Habitat Management Land Acquisition (HMLA)</p> <ul style="list-style-type: none"> • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and • Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 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 commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
45	The Authorized Biologist(s) and/or Biological Monitor(s) shall maintain compliance-monitoring documentation on-site in either hard copy or digital format throughout the construction and O&M period, 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 compliance-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 5.9	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
46	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 # 5.10	Entire Project	Permittee	
47	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and Biological Monitor(s). Permittee shall keep the amount of water used for dust control and panel washing to the minimum amount needed and shall not allow water to form puddles. Permittee shall ensure retention basins or array columns are emptied of standing water within 48 hours of a storm event if the water remains accumulated for more than 24 hours after the storm event.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
48	Permittee shall prohibit project personnel or those associated with the Project from bringing any firearms and domestic dogs on the Project Area during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials' dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act.	ITP Condition # 5.12	Entire Project	Permittee	
49	Project-related personnel shall access the Project Area using existing routes 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. The Authorized Biologist or the Biological Monitor shall escort construction vehicles and equipment within the Project Area until exclusionary fencing installation and clearance surveys have been completed. 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 the Project modification.	ITP Condition # 5.15	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
50	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area and associated Phase using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area or Phase unless provided for as described in Condition of Approval 5.15 of this ITP.	ITP Condition # 5.16	Entire Project	Permittee	
51	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.18	Entire Project	Permittee	
53	The Designated Representative 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.	ITP Condition # 6.2	Entire Project	Designative Representative/ Permittee	
54	The Permittee or the Designated Representative shall provide all required notifications in the ITP by sending an email to the CDFW Regional Representative Marlee Poff (Marlee.Poff@wildlife.ca.gov) and as described in the Notices section of the ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP Number, the ITP Condition number that the notification is addressing, any necessary photos or attachments, and the name and phone number of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).	ITP Condition # 6.3	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
55	<p>During the construction period, the Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of three times per day (once during the onset of the day's work, once midday, and once at the conclusion of that day's work) or as otherwise specified by the ITP and associated Covered Species plans. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. <p>The Designated Representative or Authorized Biologist(s) and/or Biological 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 Condition # 6.4	During construction phase	Permittee/ Authorized Biologist/ Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
56	<p>During the O&M period, the Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when ground disturbing Covered Activities occur, and for periodic inspections of the desert tortoise exclusionary fencing as defined by Condition of Approval 7.21, and periodic monitoring of occupied BUOW burrows. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections of ground-disturbing Covered Activities a minimum of once per day or as otherwise specified by the ITP. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) ensure that fencing remains intact, and that Covered Activities are only occurring in the Project Area; (5) ensure escape ramps are maintained in the retention basins <p>The Designated Representative or Authorized Biologist(s) and/or Biological Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, and monitoring activities required by the ITP.</p>	ITP Condition #6.5	During operations and maintenance phase	Permittee/ Authorized Biologist/ Biological Monitor	
57	<p>The Designated Representative, Authorized Biologist(s) and/or Biological Monitor(s) shall compile the observation and inspection records identified in Condition of Approval 6.4 and 6.5 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via email to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Marlee Poff (Marlee.Poff@wildlife.ca.gov) and Headquarters CESA Program email is CESA@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.</p>	ITP Condition # 6.6	Entire Project	Designated Representative/ Authorized Biologist/ Biological Monitor	
58	<p>Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) information about other Project Impacts on the Covered Species; and (7) Covered Species monitoring results as required by plans.</p>	ITP Condition # 6.7	Entire Project	Permittee	
59	<p>The Authorized Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation</p>	ITP Condition # 6.8	Entire Project	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	Permittee shall immediately notify the Authorized 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 Authorized Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.10	Entire Project	Permittee/ Authorized Biologist	
61	The Permittee shall develop and include measures that will be implemented to prevent or minimize future take or injury of Covered Species in all reports provided under Condition of Approval 6.10.	ITP Condition # 6.11	Entire Project	Permittee	
62	Permittee shall not use herbicides on the Project Area without prior written permission from CDFW. If approved by CDFW, Permittee shall only use herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application shall occur when winds are greater than five (5) miles per hour.	ITP Condition # 7.1	Entire Project	Permittee	
63	Permittee shall not use rodenticides and/or insecticides on the Project Area.	ITP Condition # 7.2	Entire Project	Permittee	
64	Permittee shall remove all loose debris in areas that need to be cleared by slowly removing stored material starting from the top and working down to ground level, rather than scooping from the ground up. This method will minimize the possibility of harming a Covered Species using the debris as shelter and will allow them to escape.	ITP Condition # 7.3	Entire Project	Permittee	
65	Any pipes or similar structures with a diameter greater than 3 inches shall be inspected by the Authorized Biologist(s) and/or Biological Monitor(s) for Covered Species before the material is moved, buried, or capped. The Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all open holes and trenches within Covered Species habitat at a minimum of twice a day and just prior to backfilling. At the end of each workday during construction, Permittee shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. If any worker discovers that Covered Species have become trapped, they shall halt Covered Activities and notify the Authorized Biologist(s) and/or Biological Monitor(s) immediately. Project workers and the Authorized Biologist(s) and/or Biological Monitor(s) shall allow the Covered Species to escape unimpeded if possible, or an Authorized Biologist(s) approved under condition 5.6 of the ITP shall move the Covered Species out of harm's way before allowing work to continue. Permanent retention basins shall have permanent escape ramps that are maintained regularly for the term of the ITP.	ITP Condition # 7.4	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
66	If a Covered Species is observed during Covered Activities, all work within 300 feet of the Covered Species shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s) and/or Biological Monitor(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area, an Authorized Biologist(s) approved under the Condition of Approval 5.6 of the ITP relocates the Covered Species as described in the ITP and each Covered Species plan (Conditions of Approval 7.14, 7.22, and 7.25), OR the Authorized Biologist can observe the Covered Species to ensure take or disturbance to the individual will not occur as a result of Covered Activities. The Designated Representative shall notify CDFW of any Covered Species observations within the Project Area. Notification shall occur as described in Condition of Approval 6.3 within 24 hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, maps, and shapefiles with the location (including GPS coordinates) where the individual was moved as specified in the Covered Species relocation plan.	ITP Condition # 7.5	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
67	Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall contact the Biological Monitor(s) or Authorized Biologist(s) and wait for the Covered Species to move unimpeded to a safe location or the Authorized Biologist(s) shall relocate the Covered Species as described in Conditions of Approval 7.14, 7.22, and 7.25 before moving vehicles and equipment.	ITP Condition # 7.6	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
68	The Permittee shall enclose all staging areas and parking areas with Covered Species exclusion fencing. All parked vehicles and equipment shall be inspected prior to being moved. If a Covered Species is found within a staging or parking area the worker shall immediately contact a Biological Monitor(s) and/or Authorized Biologist(s) approved in Condition of Approval 5.6 of the ITP. An Authorized Biologist approved in Condition of Approval 5.6 of the ITP shall relocate the Covered Species in accordance with each Covered Species plan as described in Conditions of Approval 7.14, 7.22, and 7.25.	ITP Condition # 7.7	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
69	To minimize the risk of ensnaring and strangling Covered Species, Permittee shall not use erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. Permittee shall use erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic "photodegradable" erosion control materials.	ITP Condition # 7.8	Entire Project	Permittee	
70	An Authorized Biologist(s) or Biological Monitor(s) shall be present during all Covered Activities that occur during the construction period. During the operations and maintenance period of the Project, an Authorized Biologist(s) shall be on-site to monitor ground-disturbing Covered Activities and periodically to address any compliance-related issues as described in the ITP.	ITP Condition # 7.9	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
71	If a Covered Species is injured as a result of Project-related activities, the Authorized Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 6.10. Notification shall include the name of the facility where the animal was taken. CDFW shall be contacted to discuss the treatment of the individual.	ITP Condition # 7.10	Entire Project	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
72	Only the Authorized Biologist(s) and/or Biological Monitor(s) approved by CDFW are authorized to conduct desert tortoise burrow excavation. Excavation of burrows shall follow the methods described in the USFWS Field Manual. Any burrow containing sign of another Covered Species shall follow the appropriate Condition of Approval (7.24 for Mohave ground squirrel and 7.30 for BUOW) within this ITP. No burrow excavation in Phase 2 shall occur prior to desert tortoise clearance surveys conducted in April 2026, per Condition of Approval 7.12.	ITP Condition # 7.13	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
73	During all handling procedures, Covered Species shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Covered Species shall be kept shaded at all times until it is safe to release them. For the purposes of the ITP, ambient air temperature shall be measured in the shade, protected from wind, at a height of 5 centimeters above the ground surface. For all Covered Activities no Covered Species shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)) or below 65°F (21° C). No Covered Species shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) or fall below 65°F (21°C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, Covered Species shall be kept shaded in an environment that does not exceed 95° F (35° C), and not released until ambient air temperature declines to below 95°F (35°C). Covered Species moved during the less active season (June 1 to August 31 and November 1 to March 31) shall be monitored by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety. During relocation, or in the event that ambient air temperature falls below 65°F (21°C) during handling or processing, the Authorized Biologist(s) may hold a captured Covered Species overnight and move them the following morning within these temperature constraints.	ITP Condition # 7.15	Entire Project	Permittee/ Authorized Biologists	
74	If a Covered Species voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the individual(s). The Authorized Biologist(s) shall rehydrate the Covered Species at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be released. The Authorized Biologist(s) shall rehydrate the Covered Species by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the Covered Species. The Authorized Biologist(s) shall rehydrate each Covered Species individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration, and replace the lining and water after each use.	ITP Condition # 7.16	Entire Project	Permittee/ Authorized Biologist	
75	The Authorized Biologist(s) shall maintain a record of all Covered Species handled. This information shall include: (a) the locations (narrative and maps) and dates of observation, including whether the individual(s) was found above ground or in a burrow; (b) ambient temperature when handled and released; (c) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladders; (d) identified diagnostic markings (i.e., identification numbers or marked marginal scutes); (e) location moved from and location moved to (using GPS technology), including information on any burrow (natural or artificial) utilized; (f) whether any eggs were discovered and relocated; (g) digital photographs of any Covered Species and eggs handled; (h) if a transmitter was applied; and (i) results of ongoing monitoring. The Designated Representative(s) shall provide CDFW with the information listed above submitted in the quarterly reports during construction.	ITP Condition # 7.17	Entire Project	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
76	The Biological Monitor(s) and/or Authorized Biologist(s) shall monitor and inspect the Covered Species fencing during installation and during the Covered Activities associated with construction a minimum of twice per day and at the end of each workday. After Covered Activities associated with construction are complete, the Biological Monitor and/or Authorized Biologist shall continue to monitor the fence until the end of the subsequent Covered Species active season. During operations and maintenance activities, the fence shall be inspected monthly. Throughout the term of this ITP, the Covered Species fencing shall be inspected within 24 hours of major rainfall and high wind events to ensure Covered Species are prohibited from entering the Project Area. If the fence is compromised at any time, repairs shall be completed immediately, and clearance protocol level surveys shall be conducted as described in Condition of Approval 7.12 prior to Covered Activities commencing. If desert tortoise are found pacing the fence, the Authorized Biologist shall intervene per the DTRP with coordination with CDFW.	ITP Condition # 7.21	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
77	Permittee shall replace each known BUOW burrow that cannot be avoided (as defined in Condition of Approval 7.30) 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. The BUOW Burrow Replacement section within the BUOW Mortality Reduction 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 to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; and timing of BUOW artificial burrow installation/construction.	ITP Condition # 7.26	Entire Project	Permittee	
78	The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines: <ul style="list-style-type: none"> • If a known BUOW burrow (a burrow that shows evidence of current or past use within the last 3 years or is known based on Project observations to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) is discovered, Permittee shall establish a minimum no-disturbance buffer. A no-disturbance buffer as described in the BUOW Mortality Reduction Plan shall be established around known BUOW burrows. • If a BUOW burrow used for nesting (e.g., known BUOW burrow with 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, the Permittee shall follow procedures outlined in the BUOW Mortality Reduction Plan. • If BUOW burrows cannot be avoided as described above, then the Permittee shall follow the BUOW Mortality Reduction Plan and ITP Conditions of Approval 7.30, and 7.31 as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the BUOW Authorized Biologist(s) based on their behavioral observations of the affected BUOW. The Authorized Biologist(s) shall report to CDFW any buffers that were increased due to behavioral observations for evaluation and determination of buffer effectiveness. 	ITP Condition # 7.29	Entire Project	Permittee/ Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
79	<p>During each Phase, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the Authorized Biologist, shall excavate known or potential burrows that exhibit signs of current or past BUOW use or characteristics suggestive of BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval 7.29 and that are within the footprint of ground-disturbing activities. Exclusion shall occur outside the breeding season unless otherwise approved by CDFW in advance in writing. 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. BUOW Burrows located in the Phase 2 area may be excluded but shall not be excavated until the desert tortoise active season beginning April 1, 2026. 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. Each burrow excavation shall require two biologists (two BUOW Authorized Biologists or an BUOW Authorized Biologist assisted by a Biological Monitor). The Authorized Biologist shall excavate the burrow, while the second biologist maintains constant line of site in the burrow.</p> <ul style="list-style-type: none"> • Potential BUOW burrows (any subterranean hole three inches or larger for which no evidence is present to conclude that the burrow is being used or has been used by a BUOW) without any signs of BUOW use or characteristics suggesting it is a BUOW burrow may be excavated immediately by the BUOW Authorized Biologist(s) and assisted by another BUOW Authorized Biologist or Biological Monitor without prior camera monitoring. • Excavation of known BUOW burrows shall only occur after the Authorized Biologist(s) has determined that BUOW is not currently present after 4 consecutive 24-hour period of monitoring with infrared cameras. 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 BUOW individuals are inside. If during the excavation process, evidence of current use by BUOW is discovered, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. CDFW shall be notified immediately. • 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. 	ITP Condition # 7.30	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
80	If an unoccupied BUOW burrow outside of the Project area can be avoided by construction and does not need to be collapsed, but is within a distance of construction to cause significant stress to the BUOW, the Permittee shall block rather than destroy the burrow. The blocked burrow shall be unblocked and made available for use after construction is complete. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Authorized Biologist(s) has conducted four consecutive 24-hour periods of monitoring with an infrared camera(s) and determined that BUOW is not currently present. 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 BUOW Authorized Biologist or Biological Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW gains 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-related Covered Activities within the prescribed buffer distance. BUOW burrows in Phase 2 shall not be blocked during Phase 1 Covered Activities. If the BUOW burrow exhibits sign of desert tortoise use, the Permittee shall coordinate with CDFW prior to blocking activity.	ITP Condition # 7.31	Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
81	If a BUOW is injured or found dead within the vicinity of the Project Area, the Permittee shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail as described in Condition of Approval 6.3. The BUOW Authorized Biologist shall follow the BUOW Mortality Reduction Plan to either immediately: transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility; or follow approved collection and storage procedures for deceased animals. Both options shall be identified per Condition of Approval 7.25. Permittee shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).	ITP Condition # 7.32	Entire Project	Permittee/ Authorized Biologist	
POST-CONSTRUCTION					
82	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 # 5.19	Post-construction	Permittee	
83	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Authorized Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.9	Post-construction and after completion of mitigation	Permittee	



BIOLOGIST RESUME

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

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			
<i>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 V.</i>			
Species or Resource	Number of Field Seasons & Hours, Life Stages Observed Provide project details in Section 5	Life History Knowledge Describe formal workshops & training with dates, or informal training details	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements
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 Biological 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.



BIOLOGIST RESUME

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

SECTION V. SPECIES AND RESOURCE EXPERIENCE – <u>DETAILS</u>	
<p><i>This section details experience from the <u>three</u> most recent and relevant projects for each species and resource identified in Section IV. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).</i></p>	
SPECIES OR RESOURCE 1:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s)⁴:	
Survey Type(s)⁵:	
Construction Monitoring⁶ Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDB ⁷ (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
Project 2 Name & Location:	
Project Start Date:	Project End Date:
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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:

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 “biological 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.



BIOLOGIST RESUME

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
Additional Information:	
SPECIES OR RESOURCE 2:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

Project 2 Name & Location:	
Project Start Date:	Project End Date:
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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
SPECIES OR RESOURCE 3:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
Project 2 Name & Location:	
Project Start Date:	End Date:
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 CNDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring:	



BIOLOGIST RESUME

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

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 Name:
LSA Agreement/ITP Number(s):



Department of Fish and Wildlife

CDFW Region 6 Desert Tortoise Biologist Qualification Form

This form requests information about the qualifications of the Desert Tortoise Authorized Biologist and Biological 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).

While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of qualifications.

Requesting Approval for: Authorized Biologist (AB) or Biological Monitor (BM) (skills needed are determined by the conditions in the ITP and measures in the LSA)

Date Submitted: _____

Requesting Approval as: Desert Tortoise AB Desert Tortoise BM

SECTION I. BIOLOGIST NAME AND CONTACT INFORMATION:

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

SECTION II. RELEVANT STATE OR FEDERAL WILDLIFE PERMITS CURRENTLY HOLD, OR HAVE PREVIOUSLY HELD OR WORKED UNDER (Attach A Copy of the Permit and Any Amendments):

Species	State Permit Number	Federal Permit Number	Dates From/To	Permit Holder

SECTION III. EDUCATION:

College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	
College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	
College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	

Project Name:				
LSA Agreement/ITP Number(s):				
Name/Type of Training	Certification Received (Provide Copy)	Dates (From/To) and Hours	Location	Instructor/Sponsor

SECTION V. ITP/LSA REQUIREMENTS (Copy and paste measure(s) from LSA and/or ITP that describe the Authorized Biologist/Biological Monitors necessary qualifications that require CDFW review and approval)

Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	

SECTION VI. SPECIFIC DESERT TORTOISE FIELD EXPERIENCE

Number of <u>hours</u> conducting desert tortoise-related activities.	
How many worker education programs have you presented?	
How many projects/hours have you been on-site monitoring project activities for compliance and to prevent incidental take of desert tortoise?	
Number of <u>miles walked</u> conducting protocol level presence/absence surveys and clearance surveys.	Presence/Absence Surveys: Clearance Surveys:
Number of wild, free-ranging desert tortoises you encountered during <u>protocol level surveys</u> .	< 100 mm carapace length: ≥ 100 mm carapace length:
Check, one for each size, the number of wild, free-ranging desert tortoises you personally <u>handled under direct supervision of an AB</u> .	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of wild, free-ranging desert tortoises you have personally <u>handled, under no supervision of an AB</u> .	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>

Project Name:	
LSA Agreement/ITP Number(s):	
Check, one for each size, the number of transmitters or other devices (specify) you have personally <u>attached</u> to wild, free-ranging desert tortoises.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of transmitters or other devices (specify) you personally <u>removed</u> from wild, free-ranging desert tortoises.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of <u>blood samples</u> that you have personally collected from wild, free-ranging desert tortoises, under direct supervision of an AB.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of <u>blood samples</u> that you have personally collected from wild, free-ranging desert tortoises, under no supervision.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check how many desert tortoise burrows you have excavated, under direct supervision of an AB.	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check how many desert tortoise burrows you have excavated, under no supervision.	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check how many desert tortoise burrows you have collected and reburied desert tortoise eggs, under direct supervision of an AB. What month(s) did your find and rebury the eggs?	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Month: _____
Check how many desert tortoise burrows you have collected and reburied desert tortoise eggs, under no supervision. What month(s) did you find and rebury the eggs?	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Month: _____
How many wild, free-ranging desert tortoises have you conducted health assessments on independently under the supervision of an AB and/or without supervision?	Disinfection/Sanitation Protocols: / Capture/Handling: / Physical Examination: / Biological Sample collection: / Hydration: / Other: /
Check, one for each category, how many biological samples have you prepared for shipment.	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>

Project Name:	
LSA Agreement/ITP Number(s):	
Check, how many artificial burrow(s) for desert tortoise have you constructed and how many artificial burrow(s) have you supervised the construction?	Constructed: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Supervised Construction: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
How many temporary holding pens have you constructed? How many temporary holding pens have you supervised the construction?	Constructed: Supervised Construction:
Check how many translocation plans you have implemented as an AB? Check how many translocation plans you have implemented as a BM? Check how many desert tortoise you have personally translocated without supervision as an AB and BM?	Translocation Plans Implemented as Authorized Biologist: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Translocation Plans Implemented as Biological Monitor: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Desert tortoise translocated as Authorized Biological: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Desert tortoise translocated as Biological Monitor: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
If you have trained an AB or BM please provide one contact for each. Include the person's name, project name, and ITP number.	Authorized Biologist Name/Project Name/ITP #: Biological Monitor Name/Project Name/ITP:

SECTION VII. REFERENCE INFORMATION

This section requests three references that can confirm your qualifications. Include co-workers/biologists that can verify your experience, but do not use supervisors¹ listed in Section VIII.

Name:	Employer/Position	Address/Location:	Phone:	Email:

¹ In order to provide a broader spectrum of references, supervisors both past and present should not be included.

SECTION VIII. DESERT TORTOISE FIELD EXPERIENCE

This section details desert tortoise experience from the most recent and relevant projects. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

A. Project 1:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	

Project Name:			
LSA Agreement/ITP Number(s):			
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
B. Project 2:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
C. Project 3:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
D. Project 4:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
E. Project 5:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			

Project Name:			
LSA Agreement/ITP Number(s):			
Skills Used:			
F. Project 6:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
G. Project 7:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
H. Project 8:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
I. Project 9:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			

Add Additional Pages for More Experience

Attachment 4

**RENEWABLE ENERGY ACTION TEAM
DEPOSIT DOCUMENT**

Detailed instructions for properly completing this document begin on page 7. REAT agencies are responsible for completing this form and submitting it to NFWF when a project proponent will be depositing funds with NFWF, but the deposits identified in the document will be made by the project proponent. Once the deposit document is completed the applicable REAT agency should submit a copy to NFWF and the project proponent. The project proponent should include a copy with the deposit.

Project Name: _____

Project Phase: *(if applicable)* _____

Project Location: *(i.e. County, Township, Range, Section, Base and Meridian)*

Land Ownership of Project Site: *(if publicly owned, identify the applicable government entity)*

Project Proponent: _____

Permittee/Grantee: *(and, if applicable, the parent company)*

Permitting Agency (check if applicable) and Decision Documents:
(identify by name, date, and permit #)

Bureau of Land Management
 Decision Document Attached
Project Identification or Tracking #: _____

California Department of Fish and Wildlife
 Decision Document Attached
Project Identification or Tracking #: _____
 SB 34 Funds

California Energy Commission
 Decision Document Attached
Project Identification or Tracking #: _____

U.S. Fish and Wildlife Service
 Decision Document Attached
Project Identification or Tracking #: _____

Monies Required for Deposit into Sub-Accounts:

Check the appropriate box(es) below and specify the dollar amount(s) for deposit.

<input type="checkbox"/>	1. Land Acquisition Deposit	\$ _____
	RFP Fee (\$30,000) (consult NFWF if needed)	\$ _____
	NFWF Deposit Fee (\$3,400)	\$ _____
<input type="checkbox"/>	2. Initial Enhancement Deposit	\$ _____
	NFWF Deposit Fee (\$3,400)	\$ _____
<input type="checkbox"/>	3. Restoration & Habitat Management Deposit	\$ _____
	NFWF Deposit Fee (\$3,400)	\$ _____
<input type="checkbox"/>	4. Initial & Capital Management & Maintenance Deposit	\$ _____
	NFWF Deposit Fee (\$3,400)	\$ _____
<input type="checkbox"/>	5. Long-Term Management & Maintenance Deposit	\$ _____
	NFWF Deposit Fee (\$3,400)	\$ _____
<input type="checkbox"/>	6. Raven Management Deposit	\$ _____
		\$ _____
<input type="checkbox"/>	7. Bald & Golden Eagle Deposit	\$ _____
<input type="checkbox"/>	8. Condor Deposit	\$ _____
	NFWF Deposit Fee	\$ _____
<input type="checkbox"/>	9. Mitigation Effectiveness Monitoring Deposit	\$ _____
	NFWF Deposit Fee (\$3,400)	\$ _____
	TOTAL DEPOSIT for Project (or Project Phase)	\$ _____

Deposit Document Prepared & Submitted by and Date:

Name of Agency Contact Person/Representative	Date

Prior Deposit Document(s) submitted for previous deposit(s):
(check and complete, if applicable)

Project Phase: _____	Deposit: \$ _____
Project Phase: _____	Deposit: \$ _____
Project Phase: _____	Deposit: \$ _____

Sub-Account and Required Mitigation Activities¹:

Check the appropriate box below of the Sub-Account that is to receive monies and provide the required information in the numbered sub-sections that follow. If more than one Sub-Account is to receive monies, for each additional Sub-Account check multiple boxes and provide the required information.

1. Land Acquisition Sub-Account

- a. Description of Mitigation Activity (including acreage totals):
- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*
- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):
- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

2. Initial Enhancement Sub-Account

- a. Description of Mitigation Activity (including acreage totals):
- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*
- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):
- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

3. Restoration & Habitat Management Sub-Account

- a. Description of Mitigation Activity (including acreage totals):
- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*

¹ The term "Mitigation Activities" for purposes of this Deposit Document means "any biological mitigation or conservation actions required as conditions of Project approval, and other actions agreed to by the Proponent in the Project description, as identified in a Decision Document. Mitigation Activities include, but may not be limited to, the acquisition, protection, and long-term management of compensatory habitat; the restoration, enhancement, or protection of other habitat; actions to protect or manage sensitive species; related monitoring and reporting; and other associated actions, including but not limited to land appraisals and inspections, title searches, and special studies."

- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):
- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

4. Initial & Capital Management & Maintenance Sub-Account

- a. Description of Mitigation Activity (including acreage totals):
- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*
- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):
- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

5. Long-Term Management & Maintenance Sub-Account

- a. Description of Mitigation Activity (including acreage totals):
- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*
- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):
- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

6. Raven Management Sub-Account

- a. Description of Mitigation Activity (including acreage totals):
- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*

- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):

- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

7. Bald & Golden Eagle Sub-Account

- a. Description of Mitigation Activity (including acreage totals):

- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*

- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):

- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

8. Condor Sub-Account

- a. Description of Mitigation Activity (including acreage totals):

- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s) *(these documents must be provided to NFWF at time of submission of Deposit Document):*

- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):

- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

9. Mitigation Effectiveness Monitoring Sub-Account

Insert information about the "NFWF Annual Fee" and "Investment Policy Statement" below after discussing these items with NFWF in advance.

NFWF Annual Fee:

Investment Policy Statement:

- a. Description of Mitigation Activity (including acreage totals):

- b. Citation (e.g., page, section, condition number) to Applicable Decision Document(s)
(these documents must be provided to NFWF at time of submission of Deposit Document):
- c. Implementation Schedule (including determination of start date, performance period, and due date and determination method for satisfaction of the required Mitigation Activity):
- d. Applicable REAT Agency(ies) with Authority over Implementation of the Mitigation Activity and Contact Information:

DEPOSIT DOCUMENT INFORMATION & INSTRUCTIONS

The Deposit Document is for use by the Renewable Energy Action Team Agencies (USFWS, BLM, DFW, and CEC) and the National Fish and Wildlife Foundation (NFWF). The Deposit Document is not itself a Decision Document. The Deposit Document is to be filled out by the appropriate REAT Agency(ies) staff, as determined by the REAT Agencies. The REAT Agency staff who takes the lead in preparing the Deposit Document shall coordinate with the other applicable REAT Agency staff, non-REAT Agency staff if the lead permitting agency is not a REAT Agency, and NFWF staff prior to finalizing the Deposit Document. REAT agencies are responsible for completing this form and submitting it to NFWF when a project proponent will be depositing funds with NFWF, but the deposits identified in the document will be made by the project proponent. Once the deposit document is completed the applicable REAT agency should submit a copy to NFWF and the project proponent. The project proponent should include a copy with the project proponent's deposit.

The REAT Agency to take the lead in preparing the Deposit Document shall be as follows:

- The CEC if the CEC is a permitting agency regardless of whether the project is on public or private lands
- The BLM if the CEC is not a permitting agency and the project is on public lands
- The DFW if the CEC is not a permitting agency, the project is on private lands, and the DFW issues a permit under Fish and Wildlife Code section 2081(b)
- The USFWS if the CEC is not a permitting agency, the project is on private lands, and the DFW makes a consistency determination under Fish and Wildlife Code section 2080.1

A. Project Name:

- Identify the name of the permitted project.

B. Project Phase:

- If the project has been permitted in phases, specify the phase(s) to which this Deposit Document applies.

C. Project Location:

- Identify the county in which the project is located.
- Provide available information as to township, range, section, and base and meridian.

D. Land Ownership of Project Site:

- Indicate whether the land on which the permitted project or project phase(s) is located is privately or publicly owned.
- If it is publicly owned, identify the applicable governmental entity.

E. Permittee/Grantee:

- Identify the name of the permittee/grantee, which also may be known as the project proponent or responsible party.
- If the permittee/grantee is a company that is owned by another company, identify the name of the parent company.

F. Permitting Agency and Decision Documents:

- Check the box of each permitting agency. This is an agency that has issued a decision document (permit or other authorization) for the project or project phase(s).
- Under the applicable permitting agency, identify the decision document by (1) name; (2) date; (3) permit identification number.
- Submit with the Deposit Document, a CD or hard copy of each decision document, and indicate by checking the box that the decision document is attached.
- Under the applicable permitting agency, identify the project identification or tracking number. For example, for BLM, this is the “CACA” number. For DFW, this may be an “ITP”, “SAA”, “SCH”, or other number. For the CEC, this is the “Decision” number. For the USFWS, this is the “Permit” or “File” number. For DFW, if any funds collected by DFW pursuant to SB 34 are being deposited, check the box indicating this fact and specify in the “Required Measure Details” of the deposit document which of the measures are to be paid for using such funds.

G. Monies Required for Deposit:

- There are the following potential new and already established Sub-Accounts for each Project established under the NFWF REAT Mitigation Account. For each new Sub-Account there is a one-time \$3400 Deposit Fee, and an Annual Fee. The Sub-Accounts and the associated NFWF fees to be paid by the project proponent are as follows:
 1. Land Acquisition Sub-Account
 - a. NFWF Deposit Fee (\$3400 one-time)
 - b. NFWF Annual Fee (greater of 3% or \$1000 annual)
 2. Initial Enhancement Sub-Account
 - a. NFWF Deposit Fee (\$3400 one-time)
 - b. NFWF Annual Fee (greater of 3% or \$1000 annual)
 3. Restoration & Habitat Management Sub-Account
 - a. NFWF Deposit Fee (\$3400 one-time)
 - b. NFWF Annual Fee (greater of 3% or \$1000 annual)
 4. Long-Term Management & Maintenance Sub-Account
 - a. NFWF Deposit Fee (\$3400 one-time)
 - b. NFWF Annual Fee (1%)
 5. Initial & Capital Management & Maintenance Sub-Account
 - a. NFWF Deposit Fee (\$3400 one-time)
 - b. NFWF Annual Fee (greater of 1% or \$1000 annual)
 6. Raven Management Sub-Account
 - a. NFWF Deposit Fee (already established and paid by the initial depositor)
 - b. NFWF Annual Fee (greater of 2% or \$1000 annual)
 7. Bald & Golden Eagle Sub-Account
 - a. NFWF Deposit Fee (already established and paid by the initial depositor)
 - b. NFWF Annual Fee (greater of 2% or \$1000 annual)
 8. Condor Sub-Account
 - a. NFWF Deposit Fee (already established and paid by the initial depositor)
 - b. NFWF Annual Fee (greater of 2% or \$1000 annual)
 9. Mitigation Effectiveness Monitoring Sub-Account
 - a. NFWF Deposit Fee (\$3400 one-time)
 - b. NFWF Annual Fee (to be determined on a sub-account specific basis and set forth in Section 9 of Sub-Account and Required Mitigation Activities of the Deposit Document)

- Check the box next to each Sub-Account that is to receive monies for required measures for the permitted project or project phase(s).
- See Section J below for instructions on entering dollar amounts for the applicable Sub-Account.
- To calculate the “**TOTAL DEPOSIT for Project (or Project Phase)**,” add together all of the amounts indicated in the spaces provided to be deposited into each of the sub-accounts for the required Mitigation Activities cost estimates.

- Please note that all costs are best estimates. In addition, with respect to any Mitigation Activities, including Land Acquisition Mitigation Activities, that are based on the REAT Cost Table, the costs are the REAT’s best estimates as of July 23, 2010. Actual costs will be determined at the time of the transactions and may change the funding needed to implement the required Mitigation Activities. Regardless of the estimates, the Project proponent is responsible for providing adequate funding to implement the required Mitigation Activities.

H. Deposit Document Prepared & Submitted by and Date:

- The REAT Agency staff who takes the lead in preparing the Deposit Document shall identify his/her name, contact information, and Agency, and date. This information is helpful for NFWF staff if there are questions about the Deposit Document.

I. Prior Deposit Documents:

- Check the box if a prior deposit document was submitted for the project. If the box is checked, identify the phase of the project and the total dollar figure of the deposit for which the prior deposit document was submitted. There is space to identify up to five (5) prior deposit documents.

J. Specific Sub-Account Information

1. Land Acquisition Sub-Account:

- a. A Land Acquisition Sub-Account is for land acquisitions for compensatory mitigation.
- b. The amount of money to be deposited for the Land Acquisition Sub-Account can be found in the “Total – Land Acquisition” line-item on the applicable REAT Cost Table. This amount includes the estimated cost of all land acquisition measures (which may involve multiple habitat types), the NFWF Annual Management Fee, the NFWF Deposit Fee for the Land Acquisition Sub-Account establishment). The applicable REAT Agencies may also indicate an RFP fee when they anticipate the need for an RFP associated with a Mitigation Activity.
- c. All NFWF fees for the Land Acquisition Sub-Account are calculated per sub-account, not per habitat type.
- d. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.
- e. In the “**Monies Required for Deposit into Sub-Accounts**” section of the Deposit Document:
 - In the space provided for the Land Acquisition Deposit line-item, specify the amount of money to be deposited into the Land Acquisition Sub-Account for the land acquisition, including the NFWF Annual Management Fee.
 - In the space provided for the RFP Fee line-item, if the applicable REAT Agencies indicate the need for an RFP associated with the land acquisition and the depositor is

including the RFP Fee in its deposit, specify the amount of money to be deposited into the Land Acquisition Sub-Account for the anticipated RFP.

- In the space provided for the NFWF Deposit Fee line-item, specify the amount of money to be deposited into the Land Acquisition Sub-Account for the NFWF Deposit Fee to establish the sub-account.

2. Initial Enhancement Sub-Account:

- a. An Initial Enhancement Sub-Account is for initial actions to enhance the habitat on the acquired compensatory mitigation lands.
- b. The amount of money to be deposited for the Initial Enhancement Sub-Account can be found in the “Total – Initial Enhancement” line-item on the applicable REAT Cost Table. This amount includes the estimated cost of initial enhancement measures, the NFWF Annual Management Fee, and the NFWF Deposit Fee for the Initial Enhancement Sub-Account establishment.
- c. All NFWF fees for the Initial Enhancement Sub-Account are calculated per sub-account.
- d. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.
- e. In the “**Monies Required for Deposit into Sub-Accounts**” section of the Deposit Document:
 - In the space provided for the Initial Enhancement Deposit line-item, specify the amount of money to be deposited into the Initial Enhancement Sub-Account for initial enhancement activities, including the NFWF Annual Management Fee.
 - In the space provided for the NFWF Deposit Fee line-item, specify the amount of money to be deposited into the Initial Enhancement Sub-Account for the NFWF Deposit Fee to establish the sub-account.

3. Restoration & Habitat Management Sub-Account:

- a. A Restoration & Habitat Management Sub-Account is for actions to mitigate impacts by restoring and/or managing habitats on existing public or private lands, or on acquired compensatory mitigation lands.
- b. The amount of money to be deposited for the Restoration & Habitat Management Sub-Account can be found in the “Total – Restoration & Habitat Management” line-item on the applicable REAT Cost Table. This amount includes the estimated cost of restoration and habitat management measures, the NFWF Annual Management Fee, and the NFWF Deposit Fee for the Restoration & Habitat Management Sub-Account establishment.
- c. All NFWF fees for the Restoration & Habitat Management Sub-Account are calculated per sub-account.
- d. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.
- e. In the “**Monies Required for Deposit into Sub-Accounts**” section of the Deposit Document:
 - In the space provided for the Restoration & Habitat Management Deposit line-item, specify the amount of money to be deposited into the Restoration & Habitat Management Sub-Account for restoration and habitat management activities, including the NFWF Annual Management Fee.
 - In the space provided for the NFWF Deposit Fee line-item, specify the amount of money to be deposited into the Restoration & Habitat Management Sub-Account for the NFWF Deposit Fee to establish the sub-account.

4. Initial & Capital Management & Maintenance Sub-Account:

- a. An Initial & Capital Management & Maintenance Sub-Account is for actions required to manage and maintain lands acquired for compensatory mitigation in the first three years or other initial period of management and maintenance.
- b. The amount of money to be deposited for the Initial & Capital Management & Maintenance Sub-Account can be found in the “Total – Initial & Capital Management & Maintenance” line-item on the applicable REAT Cost Table. This amount includes the estimated cost of initial and capital management and maintenance measures, the NFWF Annual Management Fee, and the NFWF Deposit Fee for the Initial & Capital Management & Maintenance Sub-Account establishment.
- c. All NFWF fees for the Initial & Capital Management & Maintenance Sub-Account are calculated per sub-account.
- d. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.
- e. In the “**Monies Required for Deposit into Sub-Accounts**” section of the Deposit Document:
 - o In the space provided for the Initial & Capital Management & Maintenance Deposit line-item, specify the amount of money to be deposited into the Initial & Capital Management & Maintenance Sub-Account for initial and capital management and maintenance activities, including the NFWF Annual Management Fee.
 - o In the space provided for the NFWF Deposit Fee line-item, specify the amount of money to be deposited into the Initial & Capital Management & Maintenance Sub-Account for the NFWF Deposit Fee to establish the sub-account.

5. Long-Term Management & Maintenance Sub-Account:

- a. A Long-Term Management & Maintenance Sub-Account is for actions required for the long-term management and maintenance of lands acquired for compensatory mitigation following the initial period of management and maintenance.
- b. If the project is at the initial stage where the developer is securing the performance of the requirement to set aside funds for the long-term management and maintenance of compensatory mitigation lands that have yet to be acquired, then the dollar figure in the “Total – Long-Term Management & Maintenance” line-item on the applicable REAT Cost Table represents the amount of the security for performance to be deposited or placed with the applicable REAT Agencies. This amount is an estimate based on a formula specified by the REAT Agencies.
 - i. The space provided for the Long-Term Management & Maintenance line-item on the Deposit Document should be left blank because the security for performance is not deposited with NFWF.
- f. If the project is at the phase where the compensatory mitigation lands have been approved by the applicable REAT Agencies for acquisition or CE protection, and 1) the amount of money required to be set aside for the long-term management and maintenance of the mitigation lands has been calculated and approved by the applicable REAT Agencies in accordance with a Property Record Analysis (PAR) or other property analysis methodology; and 2) NFWF is to be the holder of the Long-Term Management & Maintenance funds, then in the “**Monies Required for Deposit into Sub-Accounts**” section of the Deposit Document:

- ii. In the space provided for the Long-Term Management & Maintenance Deposit line-item, specify the amount of money to be deposited into the Long-Term Management & Maintenance Sub-Account for the long-term management and maintenance of the compensatory mitigation lands. This should be the amount identified in the PAR or other property analysis methodology for long-term management and maintenance activities (which incorporates into its calculation the NFWF Annual Management Fee).
- iii. In the space provided for the NFWF Deposit Fee line-item, specify the amount of money to be deposited into the Long-Term Management & Maintenance Sub-Account for the NFWF Deposit Fee to establish the sub-account.
- c. All NFWF fees for the Long-Term Management & Maintenance Sub-Account are calculated per sub-account.
- d. The REAT’s prevailing Investment Policy Statement for Mitigation Endowment Accounts Held by the National Fish and Wildlife Foundation (As of July 2018) governs the investment of funds in this sub-account.
- e. Other special provisions as set forth below on pages 16-17 apply to this sub-account.

6. Raven Management Sub-Account:

- a. The Raven Management Sub-Account is a single comingled sub-account for actions to manage ravens in order to minimize and mitigate impacts to desert tortoise, as identified by the Raven Management Work Group and approved by the REAT Agency Managers following the elements outlined in Mitigation for Common Raven Predation on the Desert Tortoise (http://dmg.gov/documents/20101130_RPT_Common_Raven_Predation_on_DT_USFW_S.pdf) and analyzed in the Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise (USFWS et. al 2008).
- b. The amount of money to be deposited into the Raven Management Sub-Account is the estimated cost of raven management measures, as determined by the applicable REAT Agencies, including the NFWF Annual Management Fee, and, if applicable, the NFWF Deposit Fee for the Raven Management Sub-Account establishment.
- c. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.
- d. In the “**Monies Required for Deposit into Sub-Accounts**” section of the Deposit Document:
 - o In the space provided for the Raven Management Deposit line-item, specify the amount of money to be deposited into the Raven Management Sub-Account for raven management activities, including the NFWF Annual Management Fee.

7. Bald & Golden Eagle Sub-Account:

- a. The Bald & Golden Eagle Sub-Account is a single, comingled sub-account actions to conserve bald and golden eagles and minimize impacts from development.
- b. The amount of money to be deposited into the Bald & Golden Eagle Account is the estimated cost of bald and golden eagle Mitigation Activities, as determined by the applicable REAT Agencies, including the NFWF Annual Management Fee, and if applicable, the NFWF Deposit Fee for Bald & Golden Eagle Sub-Account establishment.
- c. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.

- d. In the **“Monies Required for Deposit into Sub-Accounts”** section of the Deposit Document:
 - o In the space provided for the Bald & Golden Eagle Deposit line-item, specify the amount of money to be deposited into the Bald & Golden Eagle Sub-Account for bald and golden eagle activities, including the NFWF Annual Management Fee.

8. Condor Sub-Account:

- a. The Condor Sub-Account is a single, comingled sub-account for actions to conserve and manage condors.
- b. The amount of money to be deposited into the Condor Sub-Account is the estimated cost of Condor Activities, as determined by the applicable REAT Agencies, including the NFWF Annual Management Fee, and if applicable, the NFWF Deposit Fee for the Condor Sub-Account establishment.
- c. NFWF’s prevailing Investment Policy Statement Governing Cash Management governs the investment of funds in this sub-account.
- d. In the **“Monies Required for Deposit into Sub-Accounts”** section of the Deposit Document:
 - o In the space provided for the Condor Deposit line-item, specify the amount of money to be deposited into the Condor Sub-Account for condor activities, including the NFWF Annual Management Fee.
 - o As to the initial deposit, in the space provided for the NFWF Deposit Fee line-item on the Deposit Document, specify the amount of money to be deposited into the Condor Sub-Account for the NFWF Deposit Fee to establish the sub-account.

9. Mitigation Effectiveness Monitoring Sub-Account:

- a. The Mitigation Effectiveness Monitoring Sub-Account is for identified mitigation effectiveness monitoring, as specified by the applicable REAT Agencies.
- b. The amount of money to be deposited into the Mitigation Effectiveness Monitoring Sub-Account is the estimated cost of Mitigation Effectiveness Monitoring Activities, as determined by the applicable REAT Agencies, including the NFWF Annual Management Fee, and if applicable, the NFWF Deposit Fee for the Mitigation Effectiveness Monitoring Sub-Account establishment.
- c. All NFWF fees for the Mitigation Effectiveness Monitoring Sub-Account are calculated per sub-account. The NFWF Annual Management Fee for this sub-account is to be determined on a sub-account specific basis and set forth in Section 9 of Sub-Account and Required Mitigation Activities of the Deposit Document.
- d. The applicable prevailing NFWF Investment Policy Statement to govern the investment of funds in this sub-account is to be determined on a sub-account specific basis and set forth in Section 9 of Sub-Account and Required Mitigation Activities of the Deposit Document.
- e. In the **“Monies Required for Deposit into Sub-Accounts”** section of the Deposit Document:
 - o In the space provided for the Mitigation Effectiveness Monitoring Deposit line-item, specify the amount of money to be deposited into the Initial Enhancement Sub-Account for mitigation effectiveness monitoring activities, including the NFWF Annual Management Fee.

- In the space provided for the NFWF Deposit Fee line-item, specify the amount of money to be deposited into the Mitigation Effectiveness Monitoring Sub-Account for the NFWF Deposit Fee to establish the sub-account.

K. Sub-Account and Required Mitigation Activities² Details:

- The following are the Mitigation Activities by Sub-Account:
 1. **Land Acquisition:** These are land acquisitions for compensatory mitigation.
 2. **Initial Enhancement:** These are initial actions to enhance the habitat on the acquired compensatory mitigation lands.
 3. **Restoration & Habitat Management:** These are actions to mitigate impacts by restoring and/or managing habitats on existing public or private lands, or on acquired compensatory mitigation lands.
 4. **Initial & Capital Management & Maintenance:** These are actions required to manage and maintain lands acquired for compensatory mitigation in the first three years or other initial period of management and maintenance.
 5. **Long-term Management & Maintenance:** These are actions required for the long-term management and maintenance of lands acquired for compensatory mitigation following the initial period of management and maintenance.
 6. **Raven Management:** These are actions to manage ravens in order to minimize and mitigate impacts to desert tortoise, as identified by the Raven Management Work Group and approved by the REAT Agency Managers following the elements outlined in Mitigation for Common Raven Predation on the Desert Tortoise (http://dmg.gov/documents/20101130_RPT_Common_Raven_Predation_on_DT_USFW_S.pdf) and analyzed in the Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise (USFWS et. al 2008).
 7. **Bald & Golden Eagle:** These are actions to conserve bald and golden eagles and minimize impacts from development.
 8. **Condor:** These are actions to conserve and manage condors.
 9. **Mitigation Effectiveness Monitoring:** These are actions for identified mitigation effectiveness monitoring, as specified by the applicable REAT Agencies.

- Make a list of the required Mitigation Activities to be funded with monies deposited into the applicable Sub-Account.

- For each Mitigation Activity, please provide the specific information in subsections a-d, as follows:
 - Subsection a.: Description of the Mitigation Activity
 - Subsection b.: Citation(s) to the applicable Decision Document(s) requiring the Mitigation Activity, such as the page, section, and condition number. Please provide copies of the Decision Document(s) to NFWF at the time of submission of the Deposit Document.
 - Subsection c: Determination of the start date, performance period, and due date and determination method for satisfaction of Mitigation Activity
 - Subsection d.: Identification of the applicable REAT Agency(ies) with authority over implementation of the Mitigation Activity, the name of the agency contact

² See Footnote 1 for the definition of the term “Mitigation Activities.”

- person/representative for the sub-account, and the contact information for the such person, including phone number and email address.
- For DFW, indicate which Mitigation Activity, if any, are to be paid for using deposited SB 34 funds, the use of which is limited to mitigation.

SPECIAL PROVISIONS FOR LONG-TERM MANAGEMENT & MAINTENANCE SUB-ACCOUNTS

The REAT Agencies and NFWF have agreed to the following provisions and procedures for Long-Term Management & Maintenance Sub-Accounts established within the REAT Account. To the extent these provisions and procedures pertain to disbursements of monies from such sub-accounts, such provisions and procedures will be included in Recipient Agreements that NFWF signs with entities or individuals that receive monies from Long-Term Management & Maintenance Sub-Accounts (Recipients).

- A. The applicable REAT Agency(ies) are responsible for approving the Property Analysis Record, or equivalent endowment assessment methodology (in either case the “Endowment Assessment”) that calculates the amount of money necessary to provide a source of long-term or perpetual funding for the long-term management and maintenance of the applicable compensatory mitigation lands required by or incorporated as agreed to in the applicable Decision Document(s), and shall approve an associated payment schedule for disbursements from a Long-Term Management & Maintenance Sub-Account.
- B. The REAT Agencies may elect to meet with NFWF at intervals as requested by the REAT Agencies (but no more frequently than annually) to review, in consultation with NFWF’s investment advisors, the financial status of any Long-Term Management & Maintenance Sub-Accounts for the purpose of assessing whether actual investment performance to date, prevailing economic conditions, or other factors pose a material risk of depletion with respect to such Long-Term Management & Maintenance Sub-Accounts. If NFWF and the applicable REAT Agencies determine, in consultation with NFWF’s investment advisors, that there exists a material risk of depletion with respect to any Long-Term Management & Maintenance Sub-Accounts, NFWF and the applicable REAT Agencies will jointly develop one or more options that may be employed by the applicable REAT Agency(ies) to mitigate such risk. Options include, but are not necessarily limited to, a determination and directive by the applicable REAT Agency(ies) to suspend or reduce disbursements from one or more Long-Term Management & Maintenance Sub-Accounts for a period of time until the risk of depletion has receded to acceptable levels. The determination to implement any such risk mitigation options shall be made by the applicable REAT Agency(ies) acting in their sole discretion, in writing, to NFWF. To the greatest extent feasible, the applicable REAT Agency(ies) will exercise their discretion in a manner that does not adversely affect the ability to achieve the biological minimization and mitigation objectives under the applicable REAT Agency’s(ies’) respective Decision Documents. NFWF will implement risk mitigation options as directed in writing by the applicable REAT Agency(ies).
- C. To the extent authorized by applicable Decision Documents, law or regulation, the applicable REAT Agency(ies) may suspend or reduce disbursements from a Long-Term Management & Maintenance Sub-Account for reasons related to the Recipient’s performance of long-term land management and maintenance activities on the applicable compensatory mitigation lands. In the event any applicable REAT Agency exercises such authority, it will provide written notice and direction to NFWF to suspend or reduce disbursements. NFWF will suspend or reduce disbursements from a Long-Term Management & Maintenance Sub-Account as directed by the applicable REAT Agency(ies) in writing.

- D. To the extent authorized by applicable Decision Documents, law or regulation, the applicable REAT Agency(ies) may authorize or direct NFWF in writing to make disbursements from a Long-Term Management & Maintenance Sub-Account to fund a project or activity that was not accounted for in the applicable Endowment Assessment, including but not necessarily limited to activities in response to a catastrophic event, e.g., recovery after a fire. NFWF will make such disbursements, as directed by the applicable REAT Agency(ies) in writing. The applicable REAT Agency(ies) acknowledge that such disbursements may impair the viability of the applicable Long-Term Management & Maintenance Sub-Account as a source of perpetual funding for long-term management and maintenance activities for the applicable compensatory mitigation lands.
- E. NFWF shall not be liable in any respect to the REAT Agencies or any Recipient, or to any other person or entity, for:
1. any errors, omissions, inaccuracies, or other elements of any Endowment Assessment approved by the applicable REAT Agency(ies) for compensatory mitigation lands required by or incorporated into a Decision Document;
 2. any decision, direction, or instruction by the applicable REAT Agency(ies) that suspends or reduces disbursements of funding from any Long-Term Management & Maintenance Sub-Account; or
 3. any decision, direction, or instruction by the applicable REAT Agency(ies) that directly or indirectly impairs the viability of any Long-Term Management & Maintenance Sub-Account as a source of perpetual funding for the long-term management and maintenance activities for the applicable compensatory mitigation lands.

SUBMITTING THE DEPOSIT DOCUMENT AND FUNDS FOR DEPOSIT

The Deposit Document may be submitted to NFWF by a REAT Agency separately from, but concurrent with, the Project Proponent's payment of funds for deposit, or the Deposit Document may be submitted to NFWF by the Project Proponent together with the payment of funds for deposit. The funds for deposit may be paid by check or wire:

All deposits must include a notation identifying the name of the project for which the deposit is being made.

Deposits by check shall be sent to:

National Fish and Wildlife Foundation
1133 15th Street, NW, Suite 1000
Washington, D.C. 20005
Attn: Chief Financial Officer

Deposits by wire shall be sent to:

For depositors desiring to send funds to NFWF via electronic funds transfer, the deposit will be made in accordance with wire instructions provided by NFWF in writing at the time of deposit.

Attachment 5

[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 6

Major Amendment No. 1 with Track Changes- for Amended Incidental Take Permit No. 2081-2024-032-06 Overnight Solar Project

1. The Amendment ITP Background section has been amended as follows:

Amendment ITP¹ Background:

On August 26, 2024, Overnight Solar, LLC (Permittee) submitted a CESA ITP application to 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. Permittee sought take coverage authorization for CESA listed species and CESA candidate species associated with project-related impacts from the Overnight Solar Project (Project) in San Bernardino County, California.

On September 26, 2025, CDFW issued ITP No. 2081-2024-032-06 to Overnight Solar, LLC authorizing take of Mojave desert tortoise (*Gopherus agassizii*) (desert tortoise), Mohave ground squirrel (*Xerospermophilus mohavensis*), and western burrowing owl (*Athene cunicularia hypugaea*) (BUOW) (collectively, the Covered Species) associated with and incidental to the Project. As described in ITP No. 2081-2024-032-06, the Project includes construction of a battery energy storage system (BESS), photovoltaic (PV) solar facility, and associated infrastructure in a single construction phase. In issuing ITP No. 2081-2024-032-06, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking of the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

All pre-Project Conditions of Approval set forth in ITP No. 2081-2024-032-06 were not completed until November 7, 2025, which is outside of the desert tortoise active season for clearance surveys, as required by ITP No. 2081-2024-032-06. On November 10, 2025, Permittee informed CDFW that out of season clearance surveys for desert tortoise had been conducted, resulting in the detection of two desert tortoise hatchlings on site and additional signs of presence, including a hatchling carcass. With CDFW approval, one hatchling was penned in place, and one was translocated off site and penned. Due to a change in biological conditions of the Project Area, CDFW exercised its authority as a

¹ When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" unless the context dictates otherwise.

Responsible Agency under the California Environmental Quality Act (CEQA) to amend and reanalyze the Project's impacts within CDFW's permitting authority, as outlined in Condition XIV of ITP No. 2081-2024-032-06 and initiate an amendment of the ITP to phase construction of the Project (See Cal. Code Regs., tit. 14, § 783.6, subd. (c).) This ITP authorizes the Permittee to construct the Project into two phases (each a Phase) to reduce impacts on Covered Species. Phase 1 includes the southern portion of the Project site, where Covered Activities (as defined in Section VI) are expected to have less impact on desert tortoise; Phase 2 includes the northern portion of the Project site, where the desert tortoise hatchlings were found and impacts to desert tortoise are anticipated to be greater. Depictions of each Phase are set forth in Figure 2. As fully explained below, Covered Activities associated with each Phasing included in this ITP consist of the construction of the temporary fence to separate the northern and southern half of the sites, conducting Covered Species surveys prior to each Phase, and updating the Covered Species plans to reflect the Covered Activities that will occur in each Phase. The compensatory mitigation acreage and Security amounts are also amended, as set forth in Sections 8 and 9 of this ITP.

CDFW finds that this ITP amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4). Issuance of this ITP will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code section 2081, subdivision (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of this ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

2. Effective Date and Expiration Date of this ITP Section has been amended as follows:

This ITP No. 2081-2024-032-06 was executed and became ~~is~~ effective as of ~~the date signed by CDFW~~ September 26, 2025. This Amended ITP shall be executed and become effective when signed by CDFW. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **April 1, 2027**, for Covered Activities associated with construction of the solar facility and generation-tie line, or upon completion of construction, whichever comes first; and **August 15, 2070**, for Covered Activities associated with the operation and maintenance of the solar facility.

3. The Project Description Section has been amended as follows:

The Project includes the construction and operation of a ~~photovoltaic (PV)~~ solar facility that will produce up to 150 megawatts (MW) and a ~~battery energy storage system (BESS)~~ capable of storing up to 150 ~~megawatts (MW)~~ of alternating current (AC) power within a 595.4 acre solar array development area, as well as construction of a 1.1 mile generation-tie line (gen-tie line) within a 17.2 acre corridor that connects to the existing gen-tie line within the Mojave Solar facility, totaling in a 612.6-acre area of development. Construction of the Project will occur in two phases (Figure 2). Phase 1 will take place on the southern portion of the site (302 acres); Phase 2 will take place on the northern portion of the site (293.4 acres).

The Project will consist of the following components: perimeter and exclusion fencing; solar PV generating facilities and solar modules; inverters; an on-site substation and associated fencing; a one-story control building to contain protective relays and communications infrastructure; an operations and maintenance (O&M) building; aboveground power lines to transport AC electricity to the on-site substation; individual lithium-ion cells and BESS controller housed within the BESS enclosure; direct current (DC)/DC converter, power conversion system (PCS) inverter, and medium-voltage (MV) transformer associated with the BESS; gen-tie line and interconnection; on-site access roads; storm water facilities; and telecommunications equipment, such as fiber-optic lines, a supervisory control and data acquisition (SCADA) system, and auxiliary power. Phase 1 commenced during fall or winter of 2025 and, when complete, will include: installation of a temporary exclusion fence to divide the two Phase areas, site preparation and installation of the BESS, substation, gen-tie line, approximately half of the solar arrays, and associated infrastructure. Phase 2 construction will begin in spring of 2026 during desert tortoise active season and include site preparation and installation of the remaining solar arrays and associated infrastructure.

Perimeter/Interior Fencing

Fencing was ~~still be partially~~ constructed ~~along the perimeter of the solar facility or set back~~ within 15 feet of the solar facility right-of-way boundary ~~prior to the issuance of this ITP.~~ Some areas were not fully fenced to avoid biological resources. The remainder of this fencing will be constructed during Phase 2 of the Project. The on-site substation will be separately fenced due to high voltage presence of exposed electrical equipment and will be constructed following safety requirements. Fence construction will be 6 feet high with a one-foot extension of 3 rows of barbed wire on top for an overall height of 7 feet. Desert

tortoise exclusion fencing will be attached to the lower 2 feet of the fence. Gates will be installed at each entry point of the solar facility site. A temporary fence will be constructed to separate the Phase sites and then removed prior to commencing construction activities in Phase 2.

Operations and Maintenance

During the ~~Operations and Maintenance (O&M)~~ period, the Project will generate electricity from the PV system during daylight hours and may charge/discharge power from the BESS to the supply grid both during the day and at night. O&M requirements for the Project's PV solar power and BESS components are minimal, as Project operations will be monitored remotely via a SCADA system. Remote monitoring eliminates the need for full-time, on-site personnel, as well as water or sewer connections. Periodic visits from O&M staff will occur. Temporary O&M employees will utilize existing facilities at the adjacent Mojave Solar facility for domestic water and restroom needs.

4. Incidental Take Authorization of Covered Species has been amended as follows:

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.

The authorized incidental take of Covered Species due to Covered Activities associated with installation of temporary exclusion fencing to separate the Phase areas, initial Mohave ground squirrel trapping throughout the Project Area, and Covered Activities in Phase 1 commenced upon execution of the ITP issued by CDFW on September 25, 2025. The authorized incidental take for Covered Species associated with scoping of burrowing owl and desert tortoise burrows, exclusion methods, and installation of temporary pens around known and potential burrows in Phase 2 commences January 16, 2026. The authorized incidental take for Mohave ground squirrel in Phase 2 associated with live trapping shall commence on February 15, 2026. The authorized

take for remaining Covered Activities in Phase 2 shall commence on April 1, 2026.

5. Condition of Approval 5 General Provisions has been amended as follows:

5.3 Authorized Biologist(s). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of the Covered Species through education, trainings, field experience, and/or experience as an Authorized Biologist on similar projects, and experience monitoring compliance of the conditions of approval within a state or federal ITP obtained for projects in Covered Species habitat. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, scoping and excavating burrows, handling and temporarily holding the Covered Species, relocating/translocating the Covered Species, reconstructing Covered Species burrows, locating, identifying, and recording all forms of Covered Species signs, conducting Covered Species health assessments, conducting Covered Species guideline or protocol level surveys, and if determined necessary by CDFW, collecting Covered Species blood samples and attaching and removing transmitters. Authorized Biologist(s) for Mohave ground squirrel shall demonstrate experience with trapping Mohave ground squirrel as authorized under the Fish and Game Code, identifying Mohave ground squirrel in the field, handling and processing small mammals, scoping and excavating small mammal burrows, creating artificial burrows, and setting up camera stations and identifying species in photos. Authorized Biologists for western burrowing owl shall have experience conducting passive exclusion activities, establishing no-disturbance buffers, scoping and excavating burrows, and monitoring blocked burrows.

5.5 Wildlife Rehabilitation Facility. Permittee shall identify a wildlife rehabilitation facility that holds a current Memorandum of Understanding (MOU) issued by CDFW pursuant to Fish and Game Code section 2081, subdivision (a) prior to start of Covered Activities and receive written confirmation from the facility that Covered Species individuals can be accepted for rehabilitation before starting Covered Activities. Written confirmation from the facility, contact information for the point of contact at the facility, and a copy of the facility's MOU shall be provided to CDFW. The contact information and location of the facility shall be on-site for the Authorized Biologist(s) during Covered Activities.

5.14 Delineation of Project Area. 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. Permittee shall clearly delineate the Phase 1 and Phase 2 areas with fencing to properly exclude ground-disturbing Covered Activities from occurring in Phase 2 prior to April 1, 2026.

5.16 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 and associated Phase using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area or Phase unless provided for as described in Condition of Approval 5.15 of this ITP.

6. Condition of Approval 6 Monitoring, Notification, and Reporting Provisions has been amended as follows:

6.1 Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days, or timing as approved by CDFW, before starting Covered Activities in each Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities

6.4 Construction Compliance Monitoring. During the construction period for each Phase, the Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of three times per day (once during the onset of the day's work, once midday, and once at the conclusion of that day's work) or as otherwise specified by this ITP and associated Covered Species plans. The Authorized Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections to:

7. Condition of Approval 7 Take Minimization Measures has been amended as follows:

7.11 Pre-Construction Surveys for Desert Tortoise Within Exclusionary Fence Alignment. Prior to each Project phase, ~~T~~the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys in the Phase's solar array development area for Covered Species, using the methods described in the most recent USFWS Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual) along the fencing alignment and 50-foot buffer. Phase 1 surveys shall occur during fall and

winter of 2025. Phase 2 surveys shall occur during desert tortoise active season in April 2026. If desert tortoise are found during the pre-construction surveys, the Authorized Biologist(s) shall relocate the individual(s) based on the methods described in Condition of Approval 7.14 if determined necessary by the Authorized Biologist, or shall be monitored in place. If the permanent desert tortoise exclusionary fence or temporary exclusion fencing is installed during desert tortoise inactive season a fencing plan shall be submitted to CDFW for review and approval prior to commencing fence installation. The fencing plan shall include gaps in the fence to allow Covered Species to enter and exit the Project Area, and closure of the gaps during the subsequent desert tortoise active season, and clearance surveys performed per Condition of Approval 7.12. The temporary exclusionary fencing dividing the Phases shall not be removed until commencing of Conditions of Approval 7.12 in Phase 2.

7.12 Pre-Construction Surveys for Desert Tortoise. Prior to each Phase, During the desert tortoise active season, the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys in the solar array development area for Covered Species ~~within the desert tortoise active season~~, using the methods described in the USFWS Field Manual. Pre-construction clearance surveys required under this Condition of Approval shall occur during fall and winter of 2025 for Phase 1, and April of 2026 for Phase 2. In addition to the guidance provided in the USFWS Field Manual, CDFW provides the following requirement(s):

- Pre-construction clearance surveys shall be completed using perpendicular survey routes within the solar array development area. Pre-construction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until two (2) negative results from consecutive surveys using perpendicular survey routes for the Covered Species are documented.
- These surveys shall cover 100 percent of the solar array development area for each Phase within the permanent/temporary desert exclusionary fencing. The Authorized Biologist(s) and/or Biological Monitor(s) shall record all potential Covered Species and burrows within the pre-construction clearance survey area, using global positioning system (GPS) technology. The Authorized Biologist(s) and/or Biological Monitor(s) shall provide the results of the pre-construction clearance survey (including all information of the USFWS Protocol data sheet) to CDFW within 10 calendar days of completing the surveys. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them.

7.13 Desert Tortoise Burrow Excavation. Only the Authorized Biologist(s) and/or Biological Monitor(s) approved by CDFW are authorized to conduct desert tortoise burrow excavation. Excavation of burrows shall follow the methods described in the USFWS Field Manual. Any burrow containing sign of another Covered Species shall follow the appropriate Condition of Approval (7.24 for Mohave ground squirrel and 7.30 for BUOW) within this ITP. No burrow excavation in Phase 2 shall occur prior to desert tortoise clearance surveys conducted in April 2026, per Condition of Approval 7.12.

7.14 Desert Tortoise Relocation. Regardless of the number of desert tortoise estimated to be moved out of harm's way, the Permittee shall prepare a Desert Tortoise Relocation Plan (DTRP) 30 calendar days prior to start of Covered Activities and submit it according to Condition of Approval 6.3 of this ITP. Covered Activities are not authorized to start until the DTRP is approved in writing by CDFW. The DTRP shall follow the most current guidelines provided by USFWS and CDFW regarding Covered Species translocation. Where guidance differs between USFWS and CDFW, verbal and/or written direction provided by CDFW always controls. If long-distance translocation is determined necessary, Permittee shall revise the DTRP for CDFW review and approve to address translocation.

- The DTRP shall include methodology for construction of temporary pens per the USFWS Field Manual guidelines around desert tortoise hatchlings found outside of desert tortoise active season, and desert tortoise burrows located in Phase 2. The DTRP shall also include daily monitoring for any penned desert tortoises.
- All desert tortoise burrows within the Project Area shall be excavated following procedures outlined in the U.S. Fish and Wildlife Service Desert Tortoise Field Manual during each Project Phase. No desert tortoise burrows shall be excavated in the Phase 2 Project Area until clearance surveys are conducted during the desert tortoise active season in April 2026.

7.15 Ambient Air Temperature for Desert Tortoise. During all handling procedures, Covered Species shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Covered Species shall be kept shaded at all times until it is safe to release them. For the purposes of this ITP, ambient air temperature shall be measured in the shade, protected from wind, at a height of 5 centimeters above the ground surface. For all Covered Activities no Covered Species shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)) or below 65°F (21° C). No Covered Species shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) or fall below 65°F

(21°C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, Covered Species shall be kept shaded in an environment that does not exceed 95° F (35° C), and not released until ambient air temperature declines to below 95°F (35°C). If approved by CDFW, Covered Species moved during the less active season (June 1 to August 31 and November 1 to March 31) shall be monitored by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety or frequency specified by CDFW. During relocation, or in the event that ambient air temperature falls below 65°F (21°C) during handling or processing, the Authorized Biologist(s) may hold a captured Covered Species overnight and move them the following morning within these temperature constraints.

7.20 Permanent Security Fencing with Attached Desert Tortoise Exclusion Fencing. During each Phase, Permanent permanent desert tortoise exclusion fencing shall be attached to the 7-foot-high standard chain link security fencing. This fencing shall be installed around the northern, western, and southern boundaries of the solar facility development footprint, in addition to the existing fencing along the shared boundary between the solar facility and the adjacent facilities to the east. The fence shall be constructed according to Chapter 8 of the USFWS Field Manual, but if any tortoises <100mm MCL are translocated within 500 meters of the Project site, tortoise fencing shall be 16 gauge or heavier galvanized after welded wire with mesh opening of ½ inch horizontal by ½ inch vertical. The Permittee shall install shade structures along the outer fence perimeter placed every 500 feet along the western boundaries, and a minimum of every 1,000 feet along the remaining perimeter. To prevent potential access at site access points, all gates shall be installed with desert tortoise exclusion fencing affixed along the bottom portion of the gate structure.

7.21 Covered Species Fence Maintenance Monitoring and Inspection. The Biological Monitor(s) and/or Authorized Biologist(s) shall monitor and inspect the Covered Species fencing during installation and during the Covered Activities associated with construction a minimum of twice per day and at the end of each workday. After Covered Activities associated with construction are complete, the Biological Monitor and/or Authorized Biologist shall continue to monitor the fence until the end of the subsequent Covered Species active season. During operations and maintenance, tThe Covered Species fencing shall be inspected monthly, and within 24 hours of major rainfall and high wind events to ensure Covered Species is prohibited from entering the Project Area throughout the term of this ITP. If the fence is compromised, repairs shall be completed immediately, and clearance protocol level surveys shall be conducted as described in Condition of Approval 7.12 prior to Covered Activities commencing. If desert tortoise are found pacing the fence, the Authorized Biologist shall intervene per the DTRP with coordination with CDFW.

7.22 Mohave Ground Squirrel Relocation Plan. Regardless of the number of Mohave ground squirrel estimated to be relocated a short distance away out of harm's way, Permittee shall prepare and submit a Mohave Ground Squirrel Relocation Plan for CDFW review at least 30 calendar days prior to start of all Covered Activities. The relocation plan shall include parameters in which Authorized Biologists may relocate Mohave ground squirrel to minimize impact to the individual. The plan at a minimum shall contain the following descriptions:

- Trapping procedures for each Phase following CDFW guidelines;
- Procedures for relocation, including methodology for soft releasing and supplemental feeding for lactating females and dependent young;

7.23 Mohave Ground Squirrel Live Trapping. The Authorized Biologist shall live trap within the appropriate Phase of the solar development area and shall relocate Mohave ground squirrel individuals live trapped per the Mohave Ground Squirrel Relocation Plan approved by CDFW per Condition of Approval 7.22. Live trapping methodology shall follow the California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (January 2003; revised July 2010, October 2023) unless otherwise specified by this ITP. Live trapping shall be conducted for a minimum of 3 sessions on consecutive days for Phase 1. Once Mohave ground squirrel individuals are no longer captured after two consecutive trapping efforts (not including the first trapping session), then the Authorized Biologist may proceed with Condition of Approval 7.25 for Phase 1. Phase 2 live trapping shall occur in mid-February to early March 2026 prior to desert tortoise clearance surveys. During Phase 2 live trapping, any captured lactating female Mohave ground squirrel that may have dependent young in the burrow shall be released and the Authorized Biologist shall attempt to follow the lactating female back to the natural burrow. The Authorized Biologist shall attempt to recapture the lactating female and dependent young as described in Condition of Approval 7.34. Live trapping in Phase 2 shall occur for at least 7 consecutive days. After 7 days, trapping shall continue if live individuals were captured on the 7th day of trapping and shall continue until two consecutive days of trapping yield no captured Mohave ground squirrel. Once Mohave ground squirrel individuals are no longer captured after two consecutive trapping efforts (not including the first trapping session), then the Authorized Biologist may proceed with Condition of Approval 7.25. The trapping proposal for each Phase containing a map of the trapping grids, and number of traps per acre shall be submitted for CDFW review and approval within the Mohave Ground Squirrel Relocation Plan. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrel handled or encountered. Permittee shall submit a report documenting the results to CDFW within 30 calendar days after performing them.

7.24 Pre-Construction Surveys for Mohave Ground Squirrels. After live trapping per Condition of Approval 7.23, the Authorized Biologist(s) shall excavate all known or suspected Mohave ground squirrel burrows within the solar development Phase area. Excavations in Phase 2 shall not commence until desert tortoise clearance surveys are underway in April 2026. Known Mohave ground squirrel natal burrows identified during Condition of Approval 7.23 may be excavated prior to desert tortoise clearance surveys. Excavation shall not be performed when the ambient air temperature exceeds 90° F. The Authorized Biologist shall collect and relocate Mohave ground squirrel individuals encountered during excavation per the Mohave Ground Squirrel Relocation Plan approved by CDFW per Condition of Approval 7.22. The Authorized Biologist(s) shall maintain a record of all Mohave ground squirrel handled or encountered. A report documenting the results of the excavation shall be submitted to CDFW within 30 calendar days after performing them.

7.25 Burrowing Owl Mortality Reduction Plan. Permittee shall submit a Burrowing Owl (BUOW) Mortality Reduction Plan prepared by an approved BUOW Authorized Biologist to CDFW at least 30 days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities 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: the division of Covered Activities that will take place within each Phase, detailed description of survey methodology; detailed burrow exclusion and excavation methods; methods for monitoring BUOW post-exclusion; proposed avoidance buffers based on Covered Activities and disturbance level; proposed Covered Activities that may occur within a reduced buffer request; 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. The plan shall also include a section describing burrow replacement according to Condition of Approval 7.26. Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the Authorized Biologist, shall handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.

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

7.27 Burrowing Owl Pre-Construction Surveys and Reporting. Prior to each Project phase, the BUOW Authorized Biologist(s) shall conduct surveys to identify, flag, and map all potential, known, and/or nesting burrows (as defined in Condition of Approval 7.29) within 15 calendar days prior to beginning Covered Activities in the entire Phase area or Project Area or each work area (solar development area or gen-tie corridor). Two separate surveys may be conducted for Phase 1 if solar development and the gen-tie corridor will not be constructed concurrently. Surveys shall include the Phase Project Area or work area and 500 feet (where feasible) beyond the limits of the Phase Project Area or work area, unless otherwise approved in advance and in writing by CDFW. If the BUOW Authorized Biologist identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval 7.30 and 7.31 unless avoided per Condition of Approval 7.29. Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval 7.28) in a written report to CDFW's Regional Representative at least 5 calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If a lapse in Project related work of 14 calendar days or longer occurs in any part of the Phase Project Area, Permittee shall contact the CDFW Regional Representative by email and may be required to conduct additional BUOW burrow surveys and Burrow Map before work may be reinitiated in that part of the Project Area.

7.28 Burrow Map. The BUOW Authorized Biologist shall provide a KMZ map to CDFW of all BUOW burrows found during the surveys for each Phase performed per Condition of Approval 7.28. The map shall show details and locations of all BUOW sightings and potential, known, and nesting BUOW burrows as defined in Condition of Approval 7.30. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.

7.30 Burrowing Owl Burrow Exclusion and Excavation. During each Phase, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the Authorized Biologist, shall excavate known or potential burrows that exhibit signs of current or past BUOW use or characteristics suggestive of BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval 7.29 and that are within the footprint of ground-disturbing activities. Exclusion shall occur outside the breeding season unless otherwise approved by CDFW in advance in writing. 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. Phase 2 burrows may be excluded but shall not be excavated until desert tortoise active season in April 2026. 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. Each burrow excavation shall require two

biologists (two BUOW Authorized Biologists or an BUOW Authorized Biologist assisted by a Biological Monitor). The Authorized Biologist shall excavate the burrow, while the second biologist maintains constant line of site in the burrow.

- Potential BUOW burrows (any subterranean hole three inches or larger for which no evidence is present to conclude that the burrow is being used or has been used by a BUOW) without any signs of BUOW use or characteristics suggesting it is a BUOW burrow may be excavated immediately by the BUOW Authorized Biologist(s) and assisted by another BUOW Authorized Biologist or Biological Monitor(s) under the direct supervision of the BUOW Authorized Biologist without prior camera monitoring.

7.31 Burrowing Owl Burrow Blockage. If an unoccupied BUOW burrow outside of the Project area can be avoided by construction and does not need to be collapsed, but is within a distance of construction to cause significant stress to the BUOW, the Permittee shall block rather than destroy the burrow. The blocked burrow shall be unblocked and made available for use after construction is complete. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Authorized Biologist(s) has conducted four consecutive 24-hour periods of monitoring with an infrared camera(s) and determined that BUOW is not currently present. 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 BUOW Authorized Biologist or Biological Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW gains 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-related Covered Activities within the prescribed buffer distance. BUOW burrows in Phase 2 shall not be blocked during Phase 1 Covered Activities. If the burrow exhibits sign of desert tortoise use, coordination with CDFW is required before blocking burrows.

8. Habitat Management Land Acquisition Section has been amended as follows:

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

To meet this requirement, the Permittee shall purchase ~~1,208.01,044.1~~ acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 8.2 below OR shall provide for both the permanent protection and management of ~~1,208.01,044.1~~ acres of desert tortoise, 1,190.8 acres of Mohave ground squirrel, and 1,208.0 acres of western burrowing owl of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Mitigation credit purchase and/or HM lands acquisition may be nested as such that the mitigation lands for one species may cover the mitigation requirements for the other species if it meets the selection criteria for each. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows: Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$4,000.00/acre for ~~1,208.01,044.1~~ acres: **\$4,832,000.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;

8.1.1 All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 8.3.1 and 8.3.2 below: **\$17,440.00**;

8.1.2 Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$2,000.00/acre for ~~1,208.01,044.1~~ acres: **\$2,416,000.00**;

8.1.3 Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$600.00/acre for ~~1,208.01,044.1~~ acres: **\$724,800.00**;

8.1.4 Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$3,000.00/acre for ~~1,208.01,044.1~~ acres: **\$3,624,000.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management

8.1.5 Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead

related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$6,000.00**.

8.1.6 All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$75,000.00**.

8.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase ~~1,208.01,044.1~~ acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

8.3. Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations (~~1,208.01,044.1~~ acres of desert tortoise credits, 1,190.8 acres of Mohave ground squirrel credits, and 1,208.0 acres of western burrowing owl credits), then the Permittee shall:

9. Compliance with the California Environmental Quality Act Section has been amended as follows:

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, San Bernardino County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Overnight Solar Project (SCH No.: 202410434) dated April 2025 that the County of San Bernardino certified for Overnight Solar Project on August 19, 2025. At the time the lead agency certified the EIR 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 EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

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

11. Findings Pursuant to CESA Section has been amended as follows:

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, subds. (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 submitted by the Permittee, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

(2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of ~~1,345.11,044.1~~ acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher

quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

12. Attachments Section has been amended as follows:

Attachments:

FIGURE 1	Map of Project
<u>FIGURE 2</u>	<u>Project Phasing</u>
ATTACHMENT 1	<u>Amended</u> Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Desert Tortoise Resume Form
ATTACHMENT 4	Raven Management Renewable Deposit Document
ATTACHMENT 5	Letter of Credit Form
<u>ATTACHMENT 6</u>	<u>Minor Amendment No. 1 with Track Changes</u>