



California Department of Fish and Wildlife  
North Central Region  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CA 95670

California Endangered Species Act  
Incidental Take Permit No. 2081-2025-043-02

**DRY CREEK ENERGY STORAGE**

**I. Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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:** Dry Creek Energy Storage, LLC  
**Principal Officer:** Hy Martin, Chief Development Officer  
**Contact Person:** Sarah VonderOhe, (916) 822-3230  
**Mailing Address:** 575 Fifth Avenue, 24<sup>th</sup> Floor  
New York, NY 10017

**II. Effective Date and Expiration Date of this ITP:**

This ITP is effective on the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire **10 years from the date signed by CDFW**. This ITP will renew for an additional 10-year term so long as the Permittee satisfies the terms section below (“Permit Term”) and receives the requisite authorization from CDFW under that section. Any renewal terms may only extend this ITP and its incidental take authorization to a final date of **20 years from the date signed by CDFW**.

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 6.10 of this ITP.

**III. Permit Term:**

This ITP and its take authorization may be renewed for an additional ten (10) years beyond the expiration date in Section II, above, consistent with the terms of this section. If Permittee seeks a renewal under this section, it will prepare and submit to CDFW a timely and

<sup>1</sup> 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”].)  
<sup>2</sup> 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.

complete 10-year Compliance Report consistent with the requirements of this section at least 180 days prior to the expiration date of this ITP.

The 10-year Compliance Report shall include, at a minimum, the following information:

1. A list of Covered Activities (see Section VII, below), including both construction and O&M activities, completed over the prior 10-year period, as well as activities that are currently in progress;
2. A list of Designated Biologists who monitored project activities;
3. Number of observed individuals of Covered Species over the prior 10-year period and a GIS map depicting the location of confirmed sightings and areas being used by the Covered Species over the prior 5-year period;
4. A description of how the Permittee will address sighting locations and if reasonable measures should be implemented to reduce encounters of and impacts to the Covered Species;
5. Number of individuals of Covered Species taken during the last 10-year period. This number shall be broken down by activity over the life of the permit;
6. A copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;
7. An assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts;
8. An assessment of whether the Covered Activities and Project Description for Operations and Maintenance are still accurate; and
9. Any new information relevant to the conservation of the Covered Species and/or to the Project Area.

Permittee shall meet and confer with CDFW within 60 calendar days of the 10-year Compliance Report submittal to discuss the report and any outstanding or reasonably foreseeable ITP compliance issues. Within 30 calendar days following that meeting, if CDFW determines that there are any outstanding or reasonably foreseeable ITP compliance issues, CDFW shall provide a letter describing those ITP compliance issues and what actions CDFW finds are necessary for the Permittee to remain in or come into compliance with the terms of this ITP. Within 30 calendar days of receiving CDFW's letter, the Permittee shall provide CDFW with a written response describing the remedial actions that will be taken by the Permittee to resolve any actual or potential compliance issues. Permittee shall confer with CDFW to confirm that the proposed remedial actions by the Permittee are designed to

Incidental Take Permit  
No. 2081-2025-043-02  
DRY CREEK ENERGY STORAGE, LLC  
DRY CREEK ENERGY STORAGE

bring the Permittee into compliance with the terms of this ITP. If CDFW determines that there are either no outstanding ITP compliance issues, or that remedial actions proposed by the Permittee under this section are designed to bring the Permittee into compliance with this ITP and/or CESA, CDFW shall provide a letter extending the ITP term for an additional 10 years, not to exceed a final expiration date of **20 years from the date signed by CDFW**. CDFW may require an amendment to this ITP if it determines such action is either necessary to enforce the proposed remedial actions or would otherwise be necessary under the circumstances. In particular, 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, the Permittee shall submit a request for an amendment pursuant to Title 14, Section 783.6 of the California Code of Regulations and associated fee based on the fee schedule at time of submittal.

If the Permittee fails to submit a timely and complete 10-year Compliance Report, substantially fails to meet the requirements, standards, and/or timelines in this section, or if CDFW is unable to determine that proposed remedial actions by the Permittee are designed to bring the Permittee into compliance with the terms of this ITP and/or CESA, this ITP will automatically expire as of the date listed in Section II, above.

Nothing in this section shall be construed as any limitation whatsoever on CDFW's authority to enforce the terms of this ITP and/or the requirements of CESA and associated regulations as they apply to the Permittee and/or the Project.

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 Reports as required by Conditions of Approval 6.8 and 6.10 in section **Monitoring, Notification and Reporting Provisions** of this ITP.

#### **IV. Project Location:**

The Dry Creek Energy Storage Project (Project) is located at 14440 Twin Cities Road, Herald, CA 95638, in the County of Sacramento, State of California; the approximate geographic center of the Project site is at Latitude 38.346017, Longitude -121.120465 (WGS 84 datum, decimal degrees); Assessor Parcel Number (APN) 140-0050-008-0000. See **Figure 1** for Project Location and **Figure 2** for Project Plans.

#### **V. Project Description:**

The Project is limited to the construction and operation of a battery energy storage system (BESS). The total area that is associated with the BESS is 30.1 acres, 20.8 acres of which have been previously developed. Project activities include the grubbing, grading and graveling of the entire Project Area, the installation of approximately 100 BESS units, an onsite maintenance area, stormwater infrastructure, trenching underground and aboveground collection lines (approximately 0.5-mile and will connect to an existing collector substation), a

Incidental Take Permit  
No. 2081-2025-043-02  
DRY CREEK ENERGY STORAGE, LLC  
DRY CREEK ENERGY STORAGE

7-foot tall security fence surrounding the BESS facility and ancillary infrastructure, and operation and maintenance (O&M) activities during the term of this ITP.

### **Battery Energy Storage System**

The BESS is an energy storage system that will receive energy from the electrical grid via an existing point of interconnection (POI) for the solar facility, store that energy onsite, and then later deliver energy back to the POI to be delivered back to the electrical grid. The BESS will provide a capacity of approximately 640-megawatt hours in small modular structures similar in appearance to cargo shipping containers. The modular structures will be spaced 10 feet apart and will have a maximum height of approximately 25 feet.

### **Collection Lines**

A combination of underground and aboveground collection and communication lines will be installed to connect the BESS units to the existing collector substation for the solar facility. The collector lines will extend approximately 0.5 miles from the BESS fenced area to the existing collector substation through an already developed area. Two routes of up to eight (8) medium voltage circuits may be used for the collection system. One route will extend north and east of the former nuclear generator building and the second will extend west and south of the former generator building.

### **Substation Upgrades**

The substation upgrades will include the addition of two breakers within existing bays. Additional steel structures will be developed extending south from the breakers to accommodate metering equipment to measure the flow of electricity in and out of the substation. All substation upgrades will occur within the existing substation footprint. No expansion of the fenced and graveled area of the existing substation is required.

### **Security Fence**

A 7-foot-tall chain-linked security fence will be installed to restrict access to the Project site. The fence will consist of the 7-foot chain link fence with razor wire at the top totaling approximately 8 feet in height. There will not be a gap under the fence to allow for Covered Species to enter the Project Area. The fence will border the perimeter of the site and contain a permanent earthen firebreak. The firebreak will be maintained using mowing/discing. Additional lighting will be installed but will occur predominantly in disturbed areas such as the BESS and maintenance areas.

### **Operation and Maintenance**

An approximately 60-foot by 40-foot maintenance facility will be built onsite to allow for O&M activities during the term of this ITP. The maintenance facility will utilize approximately three

storage containers aligned in a “U” shape with a canopy structure in the middle. O&M activities are expected to include System Monitoring and Control, Preventive Maintenance for the Battery system, Power Conversion Systems, heating, ventilation, and air conditioning (HVAC) and Environmental Systems, Electrical Balance of Plant, Corrective Maintenance, Safety and Compliance Training, and Augmentation for the facility.

**Table 1** shows the O&M Maintenance Activity Descriptions and Anticipated Frequency.

**Table 1: O&M Maintenance Activity Descriptions and Anticipated Frequency**

Maintenance Activity	Description	Frequency
<i>Category: System Monitoring &amp; Control</i>		
Real-time system monitoring	Continuous monitoring of monitoring equipment	Continuous
Alarm and fault review	Analyze and log system faults and alarms	Daily
Performance data reporting	Generate operational reports (daily/weekly/monthly)	Weekly/Monthly
Dispatch and scheduling	Optimize charge/discharge cycles based on demand and pricing	Daily
<i>Category: Preventive Maintenance – Battery System</i>		
Visual Inspection	Check for corrosion, leaks, and physical damage	Monthly
Thermal imaging	Scan for abnormal temperature profiles	Quarterly
Electrical balance check	Verify voltage and temperature balance across modules	Quarterly
Connection torque check	Inspect and re-torque electrical terminals and busbars	Semi-annually
Fire/gas detection system test	Inspect sensors and suppression systems	Annually

*Category: Preventive Maintenance – Power Conversion Systems*

Inverter inspection	Check for dust, debris, and physical damage	Quarterly
Filter cleaning/replacement	Clean or replace air and dust filters	Quarterly
Cooling system check	Inspect fans, capacitors, and heat exchangers	Semi-annually

*Category: Preventive Maintenance – HVAC and Environmental*

HVAC performance check	Verify cooling/heating system operation	Quarterly
Air filter replacement	Replace air filters to maintain airflow and cooling	Quarterly
Sensor calibration	Calibrate temperature and humidity sensors	Annually

*Category: Preventive Maintenance – Electrical Balance of Plant*

Transformer inspection	Inspect oil levels, bushings, and enclosures	Semi-annually
Cable testing	Perform insulation resistance and continuity testing	Annually
Grounding check	Verify grounding resistance values	Annually

<i>Category: Corrective Maintenance</i>		
Component replacement	Replace failed modules, inverters, or sensors	As needed
Communication repair	Fix faulty fiber or network components	As needed
Vegetation management	Ensure the gravel pad is free of weeds and grasses. Ensure that fenced boundary is free of vegetation. Weed, whip, or mow around periphery as needed. Limit herbicide use to direct area of necessary application.	Semi-annually
Fire system recharge	Recharge or replace suppression system after activation	As needed
<i>Category: Safety, Compliance, and Training</i>		
Fire protection system training	Test alarms, suppression, and ventilation systems	Annually
Emergency drills	Conduct staff training for emergency shutdown	Annually
<i>Category: Augmentation</i>		
Battery augmentation	Add additional battery container to existing pre-designated pad location to maintain overall system capacity over Project life.	Every 3-5 years

Construction of the BESS facility and related infrastructure will take approximately 12-18 months, while operations and maintenance will be ongoing during the term of this ITP. See **Figure 3** for Project Impacts Map.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. California tiger salamander ( <i>Ambystoma californiense</i> )	Threatened <sup>4</sup>
2. Burrowing owl ( <i>Athene cunicularia</i> )	Candidate <sup>5</sup>

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

**VII. Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. All Project components listed in Section V: Project Description are expected to result in incidental take of individuals of the Covered Species (Covered Activities). See **Figure 3** for Covered Species Impacts Map.

The areas where authorized take of the Covered Species is expected to occur consist of: staging and storage areas; access roads; grading, and trenching locations; debris piles; utility pole and power line locations; and within the BESS footprint (collectively, the Project Area).

Specific Covered Activities that are expected to result in take for each Covered Species associated with this ITP are as follows:

**California Tiger Salamander (*Ambystoma californiense*)**

The Covered Activities above expected to result in incidental take of California tiger salamander (CTS) include vehicular movement, grubbing, grading, access road construction, trenching, BESS installation, collector line installation, and perimeter fence or lighting installation. Incidental take of individuals of CTS may also occur through catch or capture when individuals are injured or imperiled. Direct impacts to Covered Species dispersal habitat could also affect migrating individuals and the fitness of CTS in close proximity to the Project due to reduced or disrupted overland migration capability and loss of shelter habitat.

Incidental take of individuals of CTS in the form of mortality (“kill”) may occur as a result of Covered Activities such as vehicular movement, grubbing, grading, access road construction, trenching, BESS installation, collector line installation, perimeter fence or lighting installation from Project-related traffic onsite during construction activities or from trampling by workers moving throughout the Project Area.

Potential indirect impacts to CTS and their habitat include effects from: construction-related

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

<sup>4</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

<sup>5</sup> The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

noise; ground vibration; fugitive dust; habitat loss and modification; introduction or spread of invasive species; vehicular movement; increased human activity during construction and O&M which could result in a reduction in dispersal capabilities. Project-related noise, vibration, percussion, odors, and artificial lighting could cause physiological and/or behavioral disruptions that may result in reduced capability to find vernal pools.

The Project is expected to cause the permanent loss of 7.9 acres of dispersal habitat for CTS. Impacts of the authorized taking also include adverse impacts to CTS related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from grading, the capture and relocation of injured or imperiled individuals, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

### **Burrowing Owl (*Athene cunicularia*)**

The Covered Activities above expected to result in incidental take of burrowing owl (BUOW) include vehicular movement, grubbing, grading, access road construction, trenching, BESS construction, collector line installation, perimeter fence construction, or collisions with stationary project features such as fencing or new utility poles and power lines. Incidental take of individuals of the Covered Species may also occur through catch or capture when individuals of the Covered Species are injured or imperiled. Direct impacts to foraging habitat could also affect migrating individuals and the fitness of Covered Species in close proximity to the Project due to reduced or disrupted foraging opportunities.

Incidental take of individuals of BUOW in the form of mortality ("kill") may occur as a result of Covered Activities such as vehicle strikes from Project-related traffic onsite during construction activities, grubbing, grading, or collisions with stationary project features such as fencing, new utility poles, and power lines.

Potential indirect impacts to BUOW and their habitat include effects from: construction-related noise; ground vibration; fugitive dust; habitat loss and modification; introduction or spread of invasive species; vehicular movement; and increased human activity during O&M which could result in a reduction in prey abundance and/or availability. Project-related noise, vibration, percussion, odors, and artificial lighting could cause physiological and/or behavioral disruptions that may result in burrow abandonment.

The Project is expected to cause the permanent loss of 7.9 acres of foraging habitat for BUOW. Impacts of the authorized taking also include adverse impacts to BUOW related to temporal losses, increased habitat fragmentation and edge effects, and the Project's indirect impacts. These impacts include: stress resulting from noise and vibrations from grading, the capture and relocation of injured or imperiled individuals, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and

space, and increased vulnerability to predation.

**VIII. Incidental Take Authorization of Covered Species:**

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

**IX. Conditions of Approval:**

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.

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 (EIR) (SCH No.: 2017092042) certified by Sacramento Municipal Utility District (SMUD) as lead agency for the Project on October 18, 2018 and the addendum to the EIR dated October 8, 2025 pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the February 18, 2026 Revised Biological Opinion and Incidental Take Statement for the Project (Corps File Number SPK-2016-00757) (2025-0106354-S7-001) pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions related to 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.

## 5. General Provisions:

- 5.1. Designated Representative. (Construction and O&M)** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist(s). (Construction and O&M)** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist (Designated Biologist) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist shall be responsible for monitoring construction related Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist must be changed. CDFW will provide approval of completed Biologist Resume Form within 30 days of submittal.
- 5.3. Capture and Handling Designated Biologist(s). (Construction and O&M)** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Capture and Handling Designated Biologist (Capture Biologist) at least 30 days before starting Covered Activities who will be responsible for the capture and handling of the Covered Species. Permittee shall ensure that the Capture Biologist is knowledgeable and experienced in the biology, natural history, capture, and handling of the Covered Species. Permittee shall obtain CDFW approval of the Capture Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Capture Biologist must be changed. CDFW will provide approval of the Capture Biologist within 30 days of submittal of all required information identified above. For the purposes of this ITP, the approved Capture Biologist has the authority to perform any actions within the responsibility of the Designated Biologist including monitoring, reporting, or other requirements of this ITP.
- 5.4. Designated Biologist and Capture Biologist Authority. (Construction and O&M)** To ensure compliance with the Conditions of Approval of this ITP, the Designated

Biologist or Capture Biologist shall have the authority to immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist and Capture Biologist in the performance of their duties. If the Designated Biologist and Capture Biologist are unable to comply with the ITP, then the Designated Biologist and Capture Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to nondisclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist and Capture Biologist 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 noncompliance 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 be considered a violation of this ITP and may result in CDFW taking actions to prevent or remedy such violation.

- 5.5. Education Program. (Construction and O&M)** The 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 or recorded video presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. The Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. The Permittee shall provide translation 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.
- 5.6. CDFW Access. (Construction and O&M)** The Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of the Conditions of Approval set forth in this ITP.
- 5.7. Project Access. (Construction and O&M)** Project-related personnel shall access the Project Area using existing routes or created access routes identified in the Project Description and shall not cross Covered Species habitat outside of or enroute to the Project Area. The Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas unless otherwise needed for a

Covered Activity outside the road, staging, or parking area boundary. The Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid individuals of the Covered Species on or traversing the roads. If the 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.

- 5.8. Delineation of Project Boundaries. (Construction and O&M)** Before starting Covered Activities in each portion of the Project in active construction that is safely accessible on foot, Permittee shall clearly delineate the boundaries of the active working sections 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.
- 5.9. Delineation of Habitat. (Construction and O&M)** Before starting Covered Activities in each portion of the Project in active construction, Permittee shall clearly delineate avoidable habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.10. Environmentally Sensitive Areas. (Construction and O&M)** The Permittee shall establish Environmentally Sensitive Areas (ESAs) in the Project Area to minimize the disturbance of Covered Species habitat as necessary from Covered Activities. The Permittee shall employ the least impactful method to identify sensitive areas and shall submit an ESA Plan (Plan) for CDFW review and approval prior to the initiation of Covered Activities. Prior to construction, or soil-disturbing O&M activities, the Designated Biologist shall identify and flag all known small mammal burrows capable of supporting CTS or BUOW within the Project Area as ESAs except for within areas of direct soil disturbance (e.g. grading and excavation areas). The Permittee shall minimize disturbance to ESAs during all phases of the Project. The Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, and borrow pits. The Permittee shall not use plastic monofilament netting on the Project site for ESA fencing, erosion control, or any other purpose to avoid entanglement of Covered Species. The Designated Biologist shall inspect each ESA before the start of each workday and the Permittee shall maintain each ESA until the completion of ground-disturbing Covered Activities within and adjacent to the ESA. The Permittee shall remove all ESA material upon completion of Covered Activities within and adjacent to the ESA. The Permittee shall ensure ESAs are clearly visible and recognizable to construction personnel.
- 5.11. Staging Areas. (Construction and O&M)** The Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other

surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, the Permittee shall not use or cross Covered Species habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.10 of this ITP.

- 5.12. Dust Control. (Construction and O&M)** The Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s) or Capture Biologist(s). The Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.13. Erosion Control Materials. (Construction and O&M)** If erosion control is implemented within, non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure the Covered Species is not trapped (no monofilament). Coconut coir matting and fiber rolls with burlap are examples of acceptable erosion control materials. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package.
- 5.14. Trash Abatement. (Construction and O&M)** The Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. The Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals, but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.15. Refuse Removal. (Construction and O&M)** Upon completion of construction and after each O&M Covered Activity, the Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. Hazardous Waste. (Construction and O&M)** The 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. The 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 offsite.
- 5.17. Artificial Lighting at Night. (Construction and O&M)** Permittee shall minimize, to the extent feasible, permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting that casts light on Covered Species habitat beyond the Project Area between sunrise and sunset. Nighttime construction lighting shall be

shielded and oriented downward to minimize effects on any nearby Covered Species.

- 5.18. Herbicides. (Construction and O&M)** Permittees shall not use herbicides on the Project Area without prior written permission from CDFW. If approved by CDFW, Permittees 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.
- 5.19. Rodenticides and Pesticides. (Construction and O&M)** Permittee shall prohibit use of rodenticides or other poisons used to control burrowing animals in the Project Area during the life of the Project or within mitigation lands. Permittee shall prohibit management of ground squirrel populations or any rodents by any means, including, but not limited to, rodenticide, gas, or live-trapping within the Project Area for the duration of Covered Activities. Permittee may only use pesticides registered with the California Department of Pesticide Regulation (CDPR). Any dyes included in the pesticides must be EPA-registered dyes approved for use in California. All pesticides shall be applied in accordance with labeled instructions and regulations set by CDPR. Labeled instructions for the pesticide(s) used shall be made available to CDFW upon request. No pesticides shall be applied when wind speeds exceed 5 miles per hour.

**6. Monitoring, Notification and Reporting Provisions:**

- 6.1. Notification Before Commencement. (Construction)** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. (Construction and O&M)** 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.
- 6.3. Construction Monitoring Documentation. (Construction)** The Designated Biologist(s) and Capture Biologist(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a

list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.

**6.4. Compliance Monitoring. (Construction and O&M)** The Designated Biologist shall be onsite daily when construction or ground-disturbing O&M related Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of monthly during periods of inactivity, after construction clearing, grubbing, and grading activities are completed, and during O&M grazing and revegetation activities. The Designated Biologist shall conduct compliance inspections to:

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

The Designated Representative or Designated Biologist shall prepare monthly written observation and inspection records during construction activities and within 30 days post O&M activities summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

**6.5. Quarterly Compliance Report. (Construction and O&M)** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.4 into a Quarterly Compliance Report (QCR) during construction activities and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. QCR's shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is R2 CESA Program ([R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may at any time revise the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections or pursuant to a revised monitoring plan submitted by the Permittee and approved, in writing, by CDFW. If CDFW determines the reporting schedule must be changed, CDFW will notify the Permittee in writing of the new reporting schedule.

**6.6. Annual Status Report. (Construction and O&M)** The 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 (see Condition of Approval 6.10). Each ASR shall include, at a minimum:

- (1) a summary of all QCRs for that year identified in Condition of Approval 6.5;
- (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; and
- (6) information about other Project impacts on the Covered Species.

**6.7. CNDDDB Observations. (Construction and O&M)** The Designated Biologist(s) shall submit all observations of the Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation, and the Designated Biologist(s) shall include copies of the submitted forms with the next QCR or ASR, whichever is submitted first relative to the observation.

**6.8. Final Construction Mitigation Report. (Construction)** No later than 90 days after completion of all construction activities, Permittee shall provide CDFW with a Final Construction Mitigation Report (FCMR). The Designated Biologist shall prepare the FCMR which shall include, at a minimum:

- (1) a summary of all QCRs and ASRs prepared during the applicable Project Phase;
- (2) a copy of the table in the MMRP with notes showing when each of the applicable mitigation measures was implemented;
- (3) all available information about Project related incidental take of the Covered Species that occurred during Project construction;
- (4) information about other Project impacts on the Covered Species that occurred during Project construction;

- (5) beginning and ending dates of construction related 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 so far;
- (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future Covered Activities on the Covered Species; and
- (8) any other pertinent information.

**6.9. Five-year Compliance Report. (O&M)** The Permittee shall provide CDFW with a 5-year compliance report by January 30 of each 5-year anniversary of the effective date of this ITP. The Permittee shall include and discuss in its 5-year compliance report, at a minimum, the following:

- (1) a list of Covered Activities, including both construction and O&M activities, completed over the prior 5-year period, as well as activities that are currently in progress;
- (2) a list of Designated Biologists who monitored project activities;
- (3) a status update including a Geographic Information System (GIS) map depicting locations of restoration and revegetation efforts for Covered Species habitat;
- (4) number of individuals of Covered Species and a GIS map depicting the location of confirmed sightings of areas being used by the Covered Species over the prior 5-year period;
- (5) a description of how the Permittee will address sighting locations and if reasonable measures should be implemented to reduce encounters of the Covered Species;
- (6) number of individuals of the Covered Species taken during the last 5-year period;
- (7) a copy of the table in the Mitigation Monitoring and Reporting Program (MMRP) with notes including the current implementation status of each mitigation measure;
- (8) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating impacts to the Covered Species associated with Covered Activities;

- (9) an assessment and discussion of whether the Covered Activities and Project Description, as described in this ITP, are still accurate; and
- (10) any new information relevant to the conservation of the Covered Species and/or to the Project Area, as defined in the impact analysis section of this ITP.

**6.10. Final O&M Mitigation Report. (O&M)** No later than 90 days after term of this ITP expires, Permittee shall provide CDFW with a Final Mitigation Report (FMR). The Designated Biologist(s) or Capture Biologist(s) shall prepare the FMR which shall include, at a minimum:

- (1) a summary of all QCRs and ASRs prepared during the term of this ITP;
- (2) a copy of the table in the MMRP with notes showing when each of the applicable mitigation measures was implemented during the term of this ITP;
- (3) all available information about Project related incidental take of the Covered Species that occurred during Project during the term of this ITP;
- (4) total number of individuals of each of the Covered Species impacted by take during the term of this ITP;
- (5) information about other Project impacts on the Covered Species that occurred during the term of this ITP;
- (6) a status update including a Geographic Information System (GIS) map depicting locations of all restoration and revegetation efforts for all Covered Species habitat during the term of this ITP;
- (7) total number of individuals of Covered Species and GIS maps for each Covered Species depicting the location of confirmed sightings of areas being used by the Covered Species during the term of this ITP;
- (8) 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 during the term of this ITP;
- (9) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future Covered Activities on the Covered Species;
- (10) any new information relevant to the conservation of the Covered Species and/or to the Project Area, as defined in the impact analysis section of this ITP; and

(11) any other pertinent information.

**6.11. Covered Species Injury. (Construction and O&M)** If an individual of the Covered Species is injured or imperiled as a result of Project-related activities, the Capture Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. The Permittee shall identify the facility before starting Covered Activities. The Permittee shall bear any cost associated with care and recovery of any injured or imperiled Covered Species individual.

**6.12. Notification of Take or Injury. (Construction and O&M)** The Permittee shall immediately notify the Designated Biologist(s) or Capture Biologist(s) if an individual of the Covered Species is taken, injured, or imperiled by a Project-related activity, or if an individual of the Covered Species is otherwise found dead, injured, or imperiled within the vicinity of the Project. The Designated Biologist or the Permittee shall immediately notify CDFW of the injury to the Covered Species by telephone and e-mail followed by a written incident report within two (2) calendar days. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken, injured, or imperiled and the ITP Number. Following initial notification, the Permittee shall send CDFW a written report within two (2) calendar days. The Designated Biologist shall provide initial notification to CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is [R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov). 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, any other pertinent information, and reference ITP No. 2081-2025-043-02.

If the Covered Species is found recently deceased, the carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number 2081-2025-043-02. Specimens shall be delivered to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road Suite D, Rancho Cordova, CA 95670 within two (2) calendar days of the discovery.

**7. Take Minimization Conditions:** 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:

**California Tiger Salamander Conditions**

**7.1. CTS Mortality Reduction and Relocation Plan. (Construction and O&M)** Permittee shall prepare a CTS Mortality Reduction and Relocation Plan (Relocation Plan) for Covered Activities. The Relocation Plan shall include the name(s) of the Capture

Biologist who will relocate CTS; pre-construction habitat assessment methodology; measures to minimize impacts to CTS; identification of refuge areas along the exclusion fencing, capture, handling, and relocation methods; a map and description of the relocation area(s) for captured CTS, including relative location, quality of habitat, non-native species or the potential for CTS-barred tiger salamander hybrids to be present, identified upland burrows determined to be suitable for CTS placement, distance to aquatic habitat, and potential barriers for movement; written permission from the landowner to use their land as a relocation site; and identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats amphibians. Permittee shall submit the Relocation Plan to CDFW for written approval at least 30 days prior to the beginning of any Covered Activities, including preconstruction surveys. If CTS is found within a construction site or 200 feet beyond the construction site (200-foot boundary), Project personnel shall notify the Designated Biologist immediately. If a CTS is encountered within a construction site, it is directly threatened by Covered Activities, and it is unable to move to a safe area on its own, the Capture Biologist shall relocate the CTS to a safe area in accordance with the Relocation Plan. Otherwise, CTS may only be captured and handled by the Capture Biologist. The Permittee or Designated Representative shall notify CDFW within 24 hours of each time a CTS is relocated. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident.

- 7.2. Vehicle Speed Limit. (Construction and O&M)** The Permittee, Designated Biologist, and work crew shall ensure that Project-related vehicles do not exceed a speed of 15 miles per hour when travelling through the Project Area.
- 7.3. Dry Season Work Restriction. (Construction and O&M)** During the Dry Season of May 1 to October 31 of year until the expiration of this ITP, Permittee shall limit construction and ground-disturbing O&M Covered Activities to periods of low rainfall (i.e. less than 0.25 inches per 24-hour period). Covered Activities may resume 24 hours after the rain ceases, when there is less than a 40 percent change of rain forecast by the National Weather Service, and when humidity is below 75 percent. Both rainfall and humidity records shall be kept onsite and subject to inspection.
- 7.4. Wet Season Work Restriction. (Construction and O&M)** During the Wet Season of November 1 to April 30 each year until the expiration of this ITP, Permittee shall limit construction and ground-disturbing O&M Covered Activities to periods of dry weather (i.e. less than 40 percent chance of rain forecast by the National Weather Service). Covered Activities may resume 24 hours after the rain ceases, when there is less than a 40 percent chance of rain in the 24-hour forecast, and when humidity is below 75 percent. Both rainfall and humidity records shall be kept on-site and subject to inspection.

- 7.4.1. Covered Activities and vehicle travel during the Wet Season shall be limited to the daylight hours from 30 minutes after sunrise until 30 minutes before sunset, to the maximum extent feasible.
- 7.4.2. Permittee shall obtain written approval from CDFW prior to work during rain events or non-daylight hours. Permittee shall provide a written request to CDFW for review and approval outlining the extent of activities and avoidance or minimization measures specific to the request (i.e., monitoring, surveys, etc.).
- 7.4.3. Written approval from CDFW is not required for Project components requiring immediate attention (e.g., repairs, revegetation, erosion control) provided that avoidance or minimization measures set forth in this ITP are compiled with and biological monitoring is conducted by the Designated Biologist for any ground-disturbing activities. Written confirmation of work purpose and completion shall be submitted to CDFW within two (2) calendar days of the work.
- 7.5. Daily Construction Schedule. **(Construction and O&M)** If construction and ground-disturbing O&M Covered Activities must be implemented during the breeding and dispersal season (after October 15 and before July 31), Covered Activities will not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset.
- 7.6. CTS Pre-construction Surveys. **(Construction and O&M)** The Designated Biologist shall conduct a survey of the Project Area prior to commencing ground-disturbing Covered Activities within the 200-foot boundary, including access roads. The survey shall cover all suitable CTS habitat features including all burrows, beneath woody debris, rock piles, and other refugia. If a CTS is found within the construction site, access roads, or the 200-foot boundary, the Designated Biologist shall delay installation of the exclusion barrier until the Designated Capture Biologist relocates the CTS out of the Project Area and in accordance with Condition of Approval 7.1.
- 7.7. CTS Exclusion Fencing. **(Construction and O&M)** Since Covered Activities must be implemented during the breeding and dispersal season (after October 15 and before July 31), Permittee shall install exclusion fencing around the Project footprint prior to commencing Construction related Covered Activities and ground-disturbing O&M Covered Activities. Temporary high-visibility construction fencing will be installed along the edge of work areas, and exclusion fencing will be installed immediately outside of the temporary high-visibility construction fencing to exclude CTS from entering the construction area or becoming entangled in the construction fencing. Exclusion fencing will be at least 3-feet tall and be buried at least 6 inches below the ground to prevent CTS from going under the fencing. Refuge opportunities shall be provided at various locations along the fence, as outlined in Condition of Approval 7.1. Fencing will remain in place until all Covered Activities within the Project Area are complete. No Covered Activities will occur outside the

delineated Project footprint. The Designated Biologist must inspect the exclusion fencing and Project Area every morning before 7:00 a.m. for integrity and for any entrapped CTS. If a CTS is encountered, the Permittee shall adhere to Condition of Approval 7.1.

- 7.8. CTS Checks. (Construction and O&M) Before the start of construction and ground-disturbing O&M work each morning, the Designated Biologist shall check for CTS individuals under all vehicles, equipment, materials, or otherwise suitable locations for CTS to hide. Workers shall inspect under vehicles and equipment for CTS before the vehicles and equipment are moved. If a CTS is present, the worker shall notify the Designated Biologist. All ruts and holes near root structures, foundations, abutments, etc., shall be inspected for CTS prior to and during excavation or removal. If CTS is discovered by the Designated Biologist or anyone else, the Capture Biologist shall move the individual as required by Condition of Approval 7.1.
- 7.9. CTS Encounter Protocol. (Construction and O&M) If a CTS is encountered, Covered Activities will be suspended within a 100-foot radius of the animal until the animal is relocated (as described in the Condition of Approval 7.1) by the Capture Biologist. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect CTS, within two (2) calendar days to CDFW. The Designated Biologist will report any take of CTS to CDFW immediately. Any worker who inadvertently injures or kills a CTS or who finds dead, injured, or entrapped CTS shall immediately report the incident to the Designated Biologist.
- 7.10. Avoid CTS Entrapment. (Construction and O&M) All excavated locations, steep-walled holes, or trenches more than 6 inches deep will be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each workday or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes or trenches will be inspected by the Designated Biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight will be inspected for CTS by the Designated Biologist prior to being moved. If a CTS is encountered, refer to Condition of Approval 7.1.
- 7.11. Inspection of Refuge Habitat. (Construction and O&M) All potential refuge features (e.g. debris piles), created as a result of the Project shall be inspected by the Designated Biologist for CTS prior to removal. The Designated Biologist shall inspect the debris piles for CTS as the debris is being loaded to trucks.
- 7.12. Soil Stockpiles. (Construction and O&M) Permittee shall place soil stockpiles where soil will not pass into potential CTS breeding ponds; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650

*et seq.* Permittee shall use appropriate best management practices to protect stockpiles and prevent soil erosion.

- 7.13. Timing of Maintenance Activities. (Construction and O&M)** Covered Activities including Module Washing and Vegetation Control (i.e. mowing) shall occur during the Dry Season and no later than September 30 of a given year, unless otherwise approved by CDFW in writing.
- 7.14. Module Washing Methods. (Construction and O&M)** Permittee shall only use water from clean, potable sources in order to minimize spread of invasive species and minimize potential for spread of disease. Permittee shall conduct module washing in a manner that does not inundate areas around burrows and not more than once per season, unless approved by CDFW in writing.
- 7.15. Vegetation Control Methods. (Construction and O&M)** Permittee shall set mower blade heights to 6-inches or greater, unless otherwise approved by CDFW in writing.

### **Burrowing owl Measures**

- 7.16. BUOW Mortality Reduction Plan. (Construction)** Permittee shall submit a BUOW Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW for written approval before starting Covered Activities. Burrow exclusion and burrow excavation shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to:

- (1) Detailed description of survey methodology;
- (2) Detailed burrow exclusion and excavation methods;
- (3) Proposed Covered Activities that may be performed within BUOW avoidance buffers;
- (4) 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
- (5) Procedure for collection and storage of BUOW carcasses.

Only CDFW-approved Capture Biologist(s), or personnel following directions from and under the supervision of the Capture Biologist(s), are authorized to 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 by CDFW to reflect best

available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

- 7.17. Burrowing Owl Protocol Survey. (Construction)** A Designated Biologist shall conduct at least four surveys using the methods described in CDFW's [Staff Report on Burrowing Owl Mitigation, Appendix D \(2012\)](#). Surveys shall be conducted during the breeding season (February 1 to August 31) and include no fewer than four survey visits: at least one site visit between February 15 and April 15 and a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Surveys shall also be conducted during the non-breeding season (September 1 to January 31) before the start of construction activities to determine seasonal residency. Non-breeding season surveys shall consist of at least four visits, spread evenly, throughout the nonbreeding season. The presence of BUOW individuals, burrow complexes, or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.) anywhere on-site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The Designated Biologist shall submit the results of the survey, including a Burrow Complex Map prescribed by Condition of Approval 7.24 (Burrow Complex Map Measure) to CDFW for approval prior to beginning Covered Activities. If changes in BUOW presence are detected (e.g., BUOW have moved on-site or changed burrow use), the Designated Biologist shall contact the CDFW Regional Representative by phone or email within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the Designated Biologist shall establish buffers as required in this Permit. If Project-related work does not initiate within 14 calendar days or longer of the BUOW protocol survey, a BUOW preconstruction survey and consultation with CDFW shall be required before Project work can be initiated.
- 7.18. Burrowing Owl Preconstruction Surveys. (O&M)** No more than 14 days prior to beginning O&M Covered Activities, the Designated Biologist shall conduct a preconstruction survey for BUOW. Surveys shall be conducted during the breeding (February 1 to August 31) and overwintering (September 1 to January 31) seasons. The presence of BUOW individuals, burrow complexes as prescribed by Condition of Approval 7.24 (Burrow Complex Map Measure), or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.) anywhere on the site or within a 1,650-foot accessible radius around the Project Area shall be recorded and mapped. The Designated Biologist shall submit the results of the survey to CDFW for approval prior to beginning Covered Activities. If changes in BUOW presence are detected (e.g., BUOW have moved on-site or changed burrow use), the Designated Biologist

shall contact the CDFW Regional Representative by phone or email within 24 hours of the observation to consult on appropriate measures to *avoid* or minimize impacts of the Project to BUOW and the Designated Biologist shall establish buffers as required in this Permit. If a lapse in Project-related work of 14 calendar days or longer occurs, another preconstruction survey and consultation with CDFW shall be required before Project work can be reinitiated, and the survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted.

**7.19. Burrowing Owl No-disturbance Buffer and Buffer Reduction Plan. (Construction and O&M)** If a BUOW individual or evidence of BUOW presence at or near a burrow entrance is found to occur in the Project Area or within 1,650 feet of the Project Area, the Designated Biologist shall establish a minimum non-disturbance buffer zone around the active or presumed active burrows within the Project Area based on the [Staff Report on Burrowing Owl Mitigation](#) shown in Table 2. Burrowing Owl Avoidance Buffers. The buffer zone shall be clearly marked with high-visibility flagging, signage, or other methods determined by the Designated Biologist and monitored daily by the Designated Biologist to ensure the buffer is effective for avoiding take. Should Project activities cause a nesting BUOW to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, all work in the vicinity of the nest shall cease. The Permittee will contact the CDFW Regional Representative by phone or email within 24 hours and additional avoidance or minimization measures may be required.

**Table 2. Burrowing Owl Avoidance Buffers**

Time of Year	Buffer Size per Level of Disturbance (in feet)		
	Low	Medium	High
April 1 – Aug 15	650	1650	1650
Aug 15 – Oct 15	650	650	1650
Oct 16 – Mar 31	165	330	1650

To ensure the buffer is sufficiently sized to avoid take, the Designated Biologist(s) shall conduct a minimum of two days of baseline monitoring of BUOW behavior prior to the start of Project activities and then be on-site to monitor the burrow during the start of Project activities.

7.19.1. During BUOW overwintering season (September 1 to January 31), the Permittee, in coordination with the Designated Biologist(s), may submit a Buffer Reduction Plan (BRP) for review and approval by CDFW. The BRP shall include a rationale and justification for why the reduction in buffer size will be appropriate for Covered Activities.

7.19.2. During the breeding season, the Permittee shall avoid all BUOW nest sites that could be disturbed by Project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).

**7.20. BUOW Burrow Blockage. (Construction and O&M)** Where CDFW has approved a full buffer reduction, the Permittee may block rather than destroy any known BUOW burrow located within the buffer distances prescribed by Condition of Approval 7.19 within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with wildlife cameras and determined that BUOW is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. Nesting BUOW burrows shall not be blocked until the chicks and adults have vacated the burrow and only after biological and wildlife camera monitoring confirm that the chicks have fledged, and are no longer dependent on the nest, and then only after written concurrence from CDFW. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist(s) or Designated Monitor(s) at least once every 48 hours to ensure that the exclusion material is still intact. If BUOW regain access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed.

**7.21. BUOW Burrow Excavation. (Construction and O&M)** The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per Condition of Approval 7.19 and that are within the Project Area. 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. If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittee shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow.

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

7.21.2. 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/or the parents and then only after written concurrence from CDFW.

**7.22. Burrowing Owl Exclusion Limit. (Construction and O&M)** Once two BUOW individuals have been taken (including evictions) during the term of this ITP, Permittee shall immediately halt all Covered Activities that could result in take of additional BUOW and consult with CDFW to demonstrate compliance with CESA. If take of additional BUOW is considered during construction or O&M activities, Covered Activities shall not resume until this ITP has been amended and the take of additional BUOW has been fully mitigated.

**7.23. Visual Shielding. (Construction and O&M)** If Covered Activities cannot be avoided within the no-disturbance buffer outlined within this ITP, the Permittee, in coordination with the Designated Biologist may install visual shielding to limit disturbance from construction activities from the line-of-sight of BUOW. Visual shielding used for occupied burrow(s) shall only be installed for a maximum of seven days. If visual shielding needs to be installed for a period longer than seven days, the Permittee or Designated Biologist shall consult with CDFW to approve an updated timeline. To ensure the visual shield is sufficiently designed to avoid or minimize impacts to BUOW, the Designated Biologist shall conduct a minimum of two days of baseline monitoring of BUOW behavior prior to the start of Project activities and obtain written approval from CDFW to proceed. The Designated Biologist shall be onsite to monitor the burrow during the start of Project activities.

**7.24. Burrow Complex Map. (Construction and O&M)** The Permittee shall provide a GIS map to CDFW of the natural burrow complexes and atypical burrows (e.g. culverts, buckled concrete, etc.) utilized by BUOW showing details and locations of all burrow sightings capable of supporting the BUOW and indicating potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and sign. The map shall include a title, an outline of the Project Area, north arrow, scale bar, and legend. If a lapse in Project-related work of seven calendar days or longer occurs, consultation with CDFW shall be required and the Permittee may be required to provide an updated Burrow Complex Map before work may be reinitiated.

**7.25. Entrapment Inspection. (Construction and O&M)** Site workers, in coordination with the Designated Biologist, shall visually inspect any pipes, debris piles, pallet stacks, or similar structures with a diameter greater than 4 inches for BUOW individuals before the material is moved, buried, or capped. The Designated Biologist shall inspect culverts, burrow exclusion installations, and all open holes and trenches within the Project Area at a minimum of once per day and immediately prior to backfilling. At the end of each workday, the Permittee shall place an escape ramp at each end of trenches or holes to allow any animals that may have become trapped in the trench or hole 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 45 degrees. If any Project personnel discover that BUOW individuals have become trapped, the Permittee shall halt Covered Activities and notify the Designated Biologist(s) or Capture Biologist(s) immediately.

**7.26. No Pets. (Construction and O&M)** The Permittee shall prohibit all domestic animals or pets from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or working dogs, cattle, and sheep present during grazing activities.

**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 23.7 acres of CTS credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 8.2 below and construct, maintain, and monitor 4 artificial burrows for BUOW pursuant to Condition of Approval 8.3. Purchase of Covered Species credits and construction of artificial burrows must be completed before starting Covered Activities, or within 18 months of the effective date of this ITP.

**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:

(1) CTS credit purchase, as described in Condition of Approval 8.2, valued at **\$42,530.84.**

(2) Offsite habitat creation in the form of artificial burrow complex construction as described in Condition of Approval 8.3, valued at **\$13,000.** Long-term maintenance as described in Condition of Approval 8.3, valued at **\$91,268.57.** Long-term maintenance funding is estimated initially for the purpose of providing Security.

**8.2. CTS Credits.** Permittee shall purchase 23.7 acres of CTS 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. BUOW Artificial Burrow Creation.** Permittee shall submit to CDFW for review and approval a plan for the construction, maintenance, and monitoring of 4 artificial burrows on land that is subject to a pre-existing conservation easement over BUOW habitat with conservation values for BUOW. The plan shall include, at a minimum: (1) a description of the existing physical conditions of the site, including water resources and habitat types, and a map that identifies the location of the site; (2) a description of the design of the artificial burrows and the materials that will be used; (3) a justification for why the location and design area appropriate for the species; (4) a description of the proposed method of installing the burrows; (5) the number of proposed burrows to be installed; (6) a maintenance and monitoring schedule for the artificial burrows; (7) success standards with contingency measures; (8) a planting plan for restoring temporary impacts associated with burrow construction including an irrigation plan if necessary; and (9) any other pertinent information.

**8.4. Endowment Fund.** The Permittee shall ensure that the constructed burrows are managed, maintained, and monitored as described in Condition of Approval 8.3. After obtaining CDFW approval, Permittee shall provide long-term management funding for the perpetual maintenance of the constructed burrows 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 maintenance and monitoring of the constructed burrows, for which the funds were set aside. 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.

**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 8 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 **\$104,268.57** for BUOW artificial burrow construction and long-term maintenance identified in Condition of Approval 8.2 and **\$42,530.84** for CTS credit purchase identified in Condition of Approval 8.3 totaling **\$146,799.41** or in the amount identified in Condition of Approval 8.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Conditions of Approval 8.2 and 8.3 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 3) or another form of Security approved in advance in writing by CDFW.
- 9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or within 60 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 onsite inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
  - Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits;
  - Documentation of Artificial Burrow Construction, as approved by CDFW through Condition of Approval 8.3;

- 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 credit purchase, artificial burrow construction, and fund the Endowment no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional mitigation and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

**X. Amendment:**

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

**XI. Stop-Work Order:**

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

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

**XII. Compliance with Other Laws:**

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

**XIII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Email submittal is preferred. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-043-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Morgan Kilgour, Regional Manager  
California Department of Fish and Wildlife  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
(916) 358-2900  
[R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)

and a copy to:

[CESA@wildlife.ca.gov](mailto: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:

CESA Desk  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
(916) 358-2900  
[R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)

**XIV. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, SMUD. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the EIR for Rancho Seco Solar II Project (SCH No.: 2017092042) dated May 9, 2018 that SMUD certified for Rancho Seco Solar II Project on October 18, 2018 and the addendum to the EIR dated October 8, 2025. At the time the lead agency certified the EIR and the addendum 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 that are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR and addendum 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

Incidental Take Permit  
No. 2081-2025-043-02  
DRY CREEK ENERGY STORAGE, LLC  
DRY CREEK ENERGY STORAGE

increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

**XV. Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, Rancho Seco Solar II Project, Rancho Seco Solar II Project Addendum, 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 but are not limited to: (1) permanent habitat protection and creation; (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 26.4 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code

sections 2112 and 2114;

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

**XVI. Attachments:**

FIGURE 1	Project Location
FIGURE 2	Project Plans
FIGURE 3	Covered Species Impacts Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 4/14/2026**

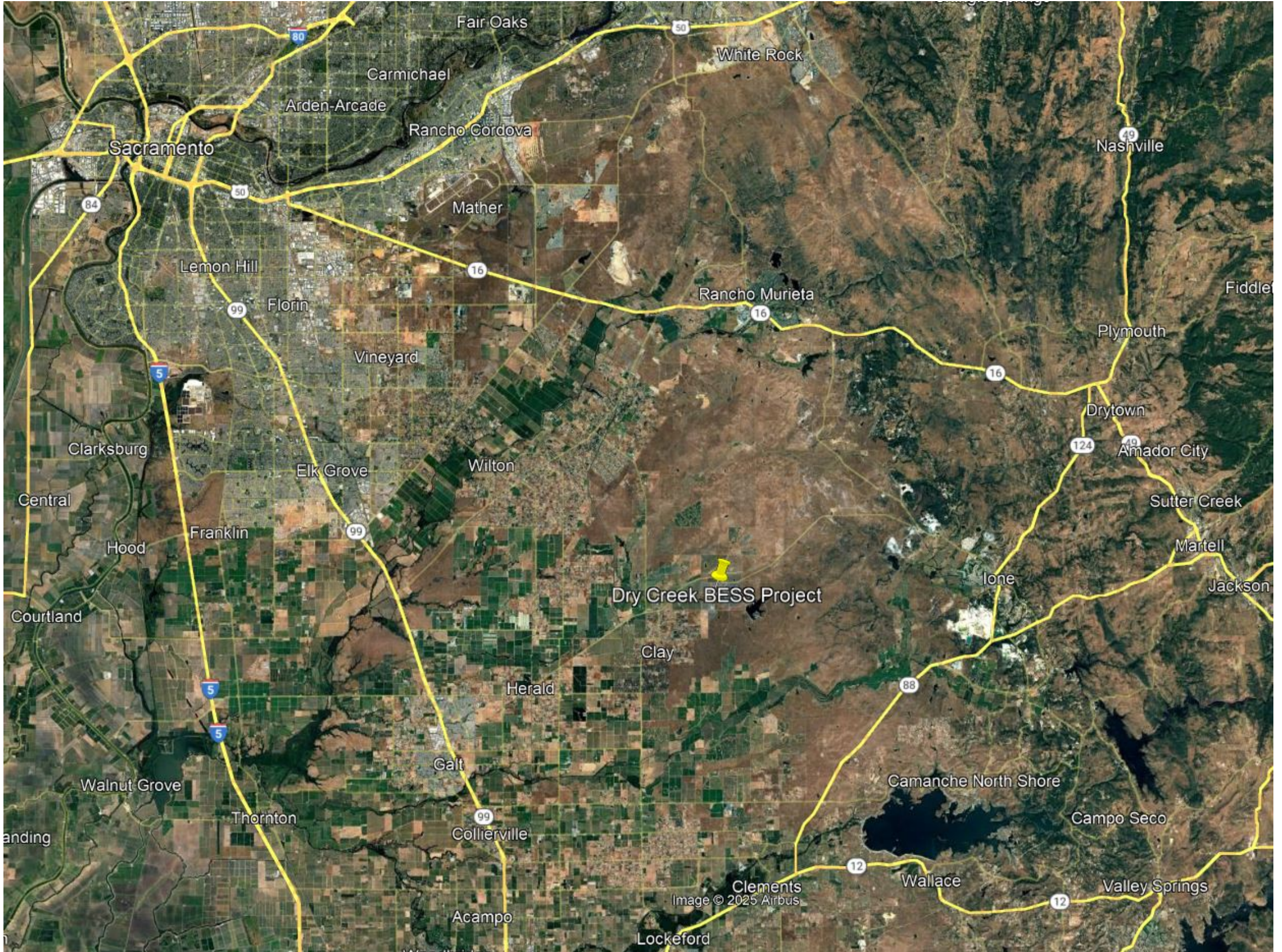
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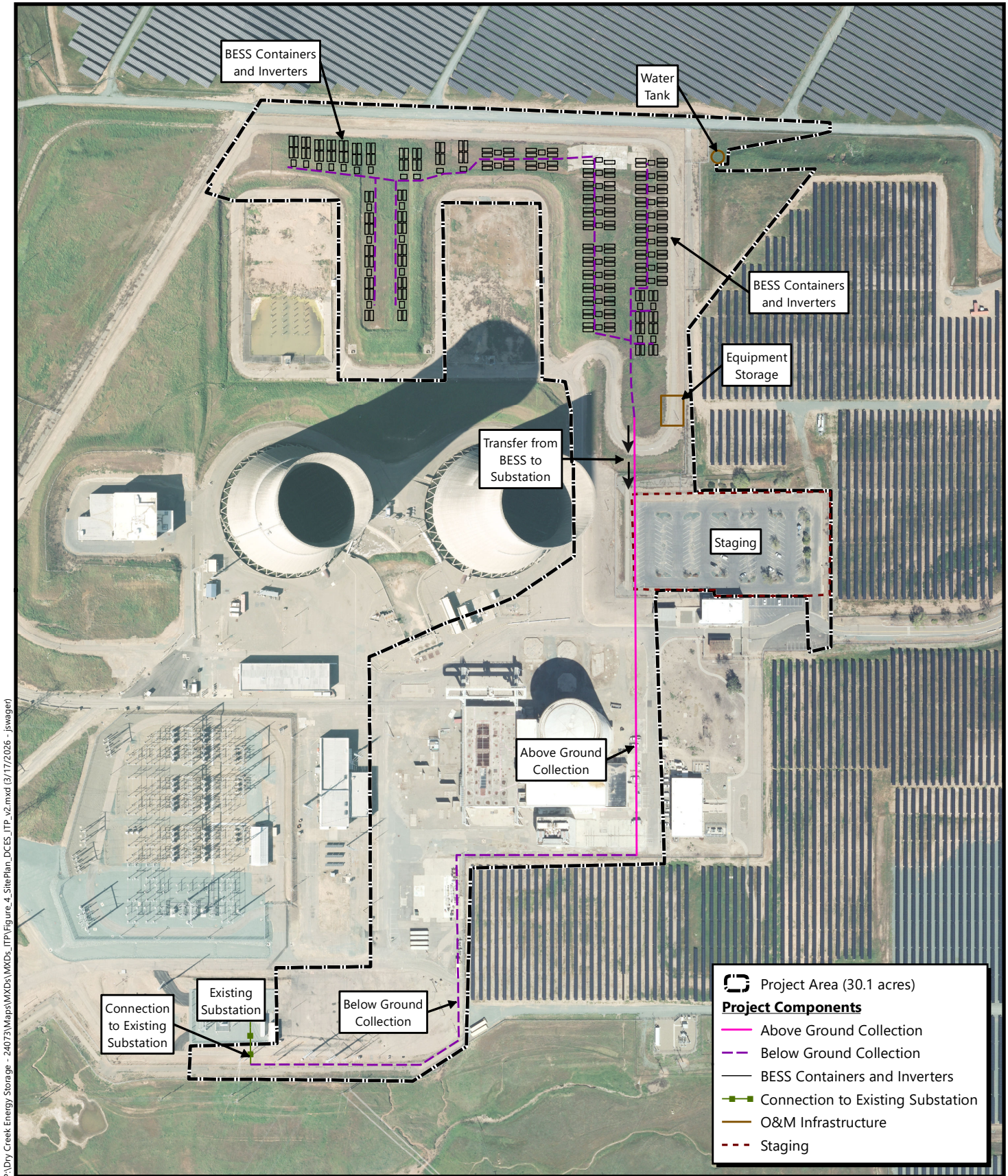
Morgan Kilgour, Regional Manager  
 North Central Region

Incidental Take Permit  
 No. 2081-2025-043-02  
**DRY CREEK ENERGY STORAGE, LLC**  
**DRY CREEK ENERGY STORAGE**

**Figure 1: Project Location**



**Figure 2: Project Plans**



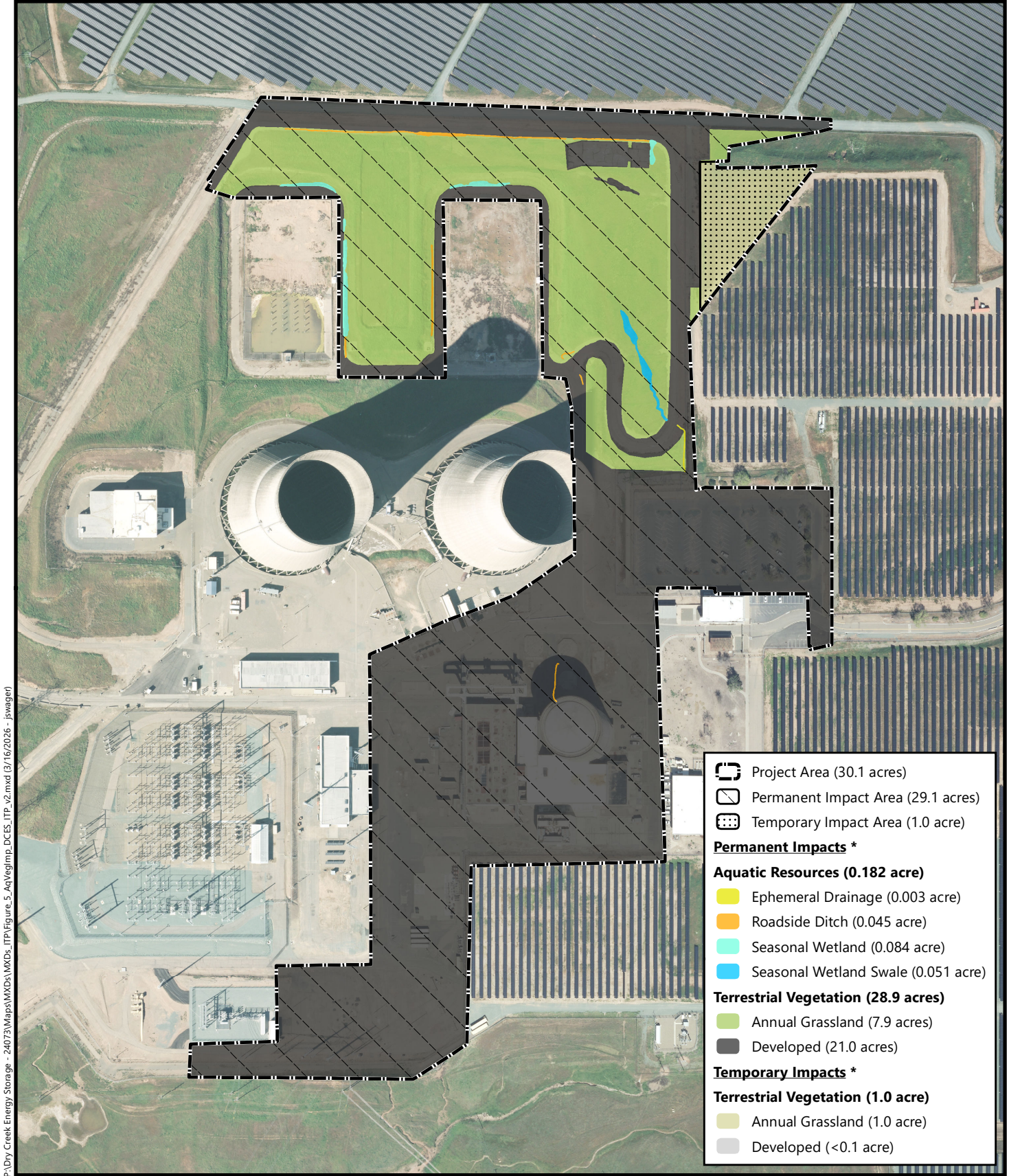
**Figure 4  
Site Development Plan**

Design Source: Dry Creek Energy Storage, LLC.  
Aerial Source: Sacramento County, 27 February 2022

Dry Creek Energy Storage  
Sacramento County, California

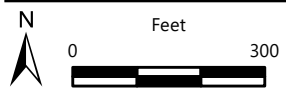


**Figure 3: Covered Species Impacts Map**



P:\Dry Creek Energy Storage - 24073\Maps\MXDs\ITP\Figure\_5\_AqVegImp\_DEES\_ITP\_v2.mxd (3/16/2026 - jswager)

	Project Area (30.1 acres)
	Permanent Impact Area (29.1 acres)
	Temporary Impact Area (1.0 acre)
<b>Permanent Impacts *</b>	
<b>Aquatic Resources (0.182 acre)</b>	
	Ephemeral Drainage (0.003 acre)
	Roadside Ditch (0.045 acre)
	Seasonal Wetland (0.084 acre)
	Seasonal Wetland Swale (0.051 acre)
<b>Terrestrial Vegetation (28.9 acres)</b>	
	Annual Grassland (7.9 acres)
	Developed (21.0 acres)
<b>Temporary Impacts *</b>	
<b>Terrestrial Vegetation (1.0 acre)</b>	
	Annual Grassland (1.0 acre)
	Developed (<0.1 acre)



**Figure 5**  
**Impacts to Terrestrial Vegetation Communities and Aquatic Resources within the Project Area**

\* Small summation errors may occur due to rounding  
 Aerial Source: Sacramento County, 27 February 2022

