



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2023-008-04

**LAS CAMAS SOLAR FACILITY PROJECT  
MAJOR AMENDMENT NO. 1**

**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).

<b>Permittee:</b>	<b>EDP Renewables California Solar Park III, LLC</b>
<b>Principal Officer:</b>	<b>Gabriel Yamal, Executive Vice President</b>
<b>Contact Person:</b>	<b>Patrick Cousineau, 971-219-6702</b>
<b>Mailing Address:</b>	<b>1501 KcKinney Street, Suite 1300 Houston, Texas 77010</b>

**II. Amended ITP<sup>3</sup> Background:**

On August 8, 2025, CDFW issued the original ITP No. 2081-2023-008-04 to EDP Renewables California Solar Park III, LLC, authorizing take of San Joaquin kit fox (*Vulpes macrotis mutica*), Swainson’s hawk (*Buteo swainsoni*), and western burrowing owl (*Athene cunicularia hypugaea*) (Covered Species) associated with and incidental to the Las Camas Solar Project in Merced County, California (Project). The Project as described in the ITP as originally issued by CDFW included construction, operation, and maintenance of a 200-megawatt (MW) alternating current (AC) ground-mounted solar photovoltaic (PV) power plant. In issuing the ITP, CDFW found, among other things, that compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

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<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.

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

On February 2<sup>nd</sup>, 2026, CDFW received an amendment request from the Permittee requesting Project modifications. These modifications include an added parcel, vegetative screening, fire breaks, a new access road, and removing the gen-tie construction that would connect to the Pacific Gas and Electric (PG&E) substation. The modifications also include refinements to the original layout and configuration of solar equipment and array blocks within the 1,269-acre Project site to avoid adding additional acres of impact. Construction activities have not yet commenced at the time of issuance of this Major Amendment No. 1.

CDFW now reissues this ITP (the Amended ITP). The Amended ITP includes all of the operative provisions as of the reissue date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this major amendment (Amendment No. 1).

### **III. Effective Date and Expiration Date of this ITP:**

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2062**.

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.

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

The Las Camas Solar Facility Project (Project) area is located in western Merced County, approximately three miles south of Santa Nella, California, and is bordered by State Route (SR) 33 and SR 152 to the north, Interstate 5 to the east, the CDFW owned Jasper Sears Mitigation Parcels to the west, and privately owned farmland and the Billy Wright Landfill to the south and west (Figure 1). The Project area can be accessed via Billy Wright Road off of SR 33/SR 152. The San Luis Reservoir is approximately three miles west and the Lost Banos Creek Reservoir is approximately five miles south.

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

The Project includes construction, operation, and maintenance of a 200-megawatt (MW) alternating current (AC) ground-mounted solar photovoltaic (PV) power plant (Figure 2). A 100 MW (direct current) DC-coupled or AC-coupled battery energy storage system (BESS) will accompany the Project. The Project includes 500-foot-wide corridors, following delineated utility easements, specifically designed to facilitate San Joaquin kit fox and wildlife north-south movement through the Project (Figure 2). The maximum Project footprint will be approximately 1,269 acres, including staging areas and access roads.

The Project components will include access roads, solar PV panels, single-axis trackers, DC to AC power collection wires and electrical inverters, lithium-ion battery enclosures, a solar project substation, vegetative screen, fire break, and a supervisory control and data acquisition (SCADA) system.

## **Schedule**

Construction of the Project will take place in multiple phases and is expected to take a total of 14 months to complete.

## **Construction**

The Project construction activities include the following:

- **Grading Activities and Compaction.** Due to the relatively flat topography on the site, minimal grading is expected. Grading will include earthwork, cut and engineered fill, and compaction and will occur in needed areas to achieve a 5-15% maximum slope for north and south aspects. To support dust suppression, roads and work areas will be periodically sprayed with water.
- **Site Access and Construction Staging.** Site access, perimeter, and interior roads will be surfaced with native material and/or aggregate and will be maintained to facilitate onsite circulation for emergency vehicles during all weather conditions. After construction of the solar infrastructure, larger site entrances and staging areas built to accommodate the turning radii of construction equipment trailers will be removed, while regular entrances and roads will remain.
- **Equipment Installation.** Following site grading and preparation, steel support piles will be driven into the ground for the solar PV panels and trackers installation. Trenches will be excavated for underground medium voltage collection cables for connection to the solar inverters, storage inverters or converters, the BESS, and ultimately the substation.
- **Solar PV Panels and Trackers.** The Project will install 440-watt and/or 550-watt (or similar) bi-facial solar PV modules. Approximately 480,000 (8 by 10-foot) panels would be installed. The PV panels would be self-contained durably constructed units designed for the operational life of the Project. To support the PV panels, a single-axis tracking system will be utilized on the steel support piles, and will be constructed to mount the panels approximately 5 feet off the ground. The single-axis tracking systems are supported by metal piers driven into the ground by a pile-driving machine. The panels are expected to be constructed of bifacial modules.
- **Solar Inverters.** The DC electricity produced by the PV panels will travel along wires attached to the racks and will connect to power inverters. The inverters will be mounted on concrete blocks distributed throughout the Project area.
- **Power Conditioning System and Inverters.** Power Conditioning System (PCS) consisting of power inverters, medium voltage transformers, and auxiliary power systems for the trackers

will be distributed through the solar arrays. DC cables from the tracker to the PCS will be buried to a depth of approximately 48 inches.

- BESS. The BESS will be constructed using lithium-ion batteries and will either be distributed throughout the solar arrays (approximately 43 locations), co-located with the inverters with shared solar collection wires and electrical converters, or they will be aggregated within an approximately 5-acre storage area near the western central portion of the Project area.
- Project Substation. The Project substation will be located along the western perimeter of the Project area approximately 1,000 feet south of the northern property line. The footprint of the substation will be approximately 1.7 acres. The substation base will consist of aggregate material. However, various substation equipment will require shallow foundations (4 to 6 inches deep) supported with bolt cages (foundation anchors) filled with concrete. Concrete pads will also be installed for some substation equipment such as the main power transformer.
- Fence Design and Site Security. The facility will be secured with a 6- to 10-foot-high chain link fence topped with barbed wire along the perimeter and will have a 4- to 6-inch gap between the bottom of the fence and the ground, designed to allow small animal wildlife passage. Perimeter fencing, installed around the solar arrays, will preclude the use of the solar array areas by large ungulates, such as elk, however dedicated passage for large animals through the Project areas will be feasible by way of the existing utility easements (see Figures 1 and 2).
- Lighting. The site boundary fencing will not have perimeter lighting. Lighting will be installed for ongoing maintenance and security purposes with low-level security and wayfinding lighting installed at the entrance gates. Lighting will also be installed at the Project's substation. All Project lighting will be used from dusk to dawn and will be shielded and directed downwards to minimize light impacts to nearby properties. Project lighting will conform to the National Electric Safety Code (NESC) requirements and all applicable County outdoor lighting codes.
- SCADA. A SCADA system will be installed to provide control remotely of all components of the electrical system to the Project and grid operators. Physically, the system will be installed with the same series of fiber communication lines connecting points of the electrical system to the control room of the substation, where the fiber will terminate at servers of the operating system. The fiber will be co-located within the same trenches that accommodate the medium voltage collection lines. Fiber will also run from all the high voltage components that require monitoring, such as the breakers within the substation.
- Vegetative Screening. Vegetative screening will be installed outside of the solar facility's fenceline between the northern boundary and SR-152. The vegetative screening will consist of

evergreen California native trees and shrubs up to approximately 20 feet in height. A small excavator and tractor will be used to prepare the soil for planting by clearing existing vegetation within an approximately 20-foot-wide corridor. Discing will be required within the corridor to facilitate the planting. Small holes will be excavated to accommodate planting of seedlings and trees. It is expected that the vegetation planting activities will take approximately 3 months and will be performed during the late winter or early spring of 2027. Supplemental water may be required for the first several years until the plants can reach maturity. A water truck will be used to bring water to the site for the first several years, after which the plants are expected to persist on their own without supplemental water.

- Fire Breaks. A 20-foot-wide fire break will be installed along the southern portion of the solar facility. The fire break will be used by emergency vehicles to access the site, if necessary. The fire break will be surfaced with native soils, and vegetation will be maintained at a height of 4-6 inches. Portions of the firebreak will comprise existing roads, while other portions will occur outside of existing roads but within the Project’s permit area.

Operations and Maintenance (O&M)

O&M activities following construction of the Project will include the following:

- Personnel. Up to eight employees from off-site O&M facilities will visit the Project area daily to service and maintain the arrays.
- Facility Maintenance. Facility maintenance will include the periodic maintenance of solar panels, solar components, and the internal access road network. The level of vehicle activity entering and leaving the Project area during operation would be limited to scheduled and emergency maintenance visits and infrequent delivery vehicles. Scheduled Project maintenance would occur in the early evening or early morning hours to avoid interference with the Project’s peak hours of generation. Emergency maintenance would occur at any time, as needed for the situation.
- Panel Washing. Panel washing would be expected to occur once a year. Deionized water would be transported by 4,000-gallon water trucks from off site and applied by robotic sprayers. Panel washing would occur for up to 20 business days over the course of a 30-day period, taking place during daylight hours.
- Vegetation Maintenance. Vegetation height will be maintained beneath the arrays. During the first 3 years of operation, control of invasive weeds may be done by herbicide application. Mowing will be utilized to keep vegetation low along the base of the solar panels and to manage the open areas of grassland. The Project site will be mowed at least once every 2 years, and spot-mowed as necessary to control fire risks. Mowing may occur more

frequently, depending on rainfall and invasive weed distribution, and any required mowing regime that may result from a vegetation management plan. Sheep grazing may be used as a means to control vegetation between mowing or as an alternative to mowing.

Heavy equipment and vehicles used for the Project will include, haul trucks, pile drivers, bulldozers, tractors, loaders, concrete trucks, fork lifts, cranes, jetting and vacuum trucks, dump trucks, excavators, road graders, scrapers, skid steers, portable compactors, drill seeders, rollers, boom trucks, and water trucks.

**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>4</sup>
1. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> , SJKF)	Threatened <sup>5</sup>
2. Swainson’s hawk ( <i>Buteo swainsoni</i> , SWHA)	Threatened <sup>6</sup>
3. Western burrowing owl ( <i>Athene cunicularia hypugaea</i> , BUOW)	Candidate <sup>7</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. The activities described above expected to result in incidental take of individuals of the Covered Species include: operation of construction equipment; clearing, grubbing, discing, and grading; removing vegetation and/or mowing during construction or operations; cut/fill activities; trenching for underground conduit; excavation and leveling earthwork for Project facilities and components; backfilling and compacting of soil; construction and use of internal and perimeter roads, temporary staging, and storage areas; installation and maintenance of project equipment and facilities; installation of temporary and/or permanent lighting fixtures; installation and modification of temporary and permanent fencing; placement of concrete and/or asphalt for structural foundations, battery storage, inverters, and transformers; installation of solar panel, supports, and mount systems; installation of transmission lines and poles; installation of the SCADA system; transporting construction materials; site access road maintenance; PV module cleaning/washing; replacement of equipment as needed (e.g. inverters); vegetation management; handling, salvaging, and otherwise capturing Covered Species in order to relocate, translocate, or rehabilitate injured

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<sup>4</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>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

<sup>6</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(A).

<sup>7</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.

individuals; and other Project-related activities described in the Project Description section of this ITP (collectively referred to as Covered Activities).

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

Incidental take of individuals of the Covered Species in the form of pursue, catch, capture, or attempt to do so may occur as a result of Covered Activities by entrapment of Covered Species in trenches or excavations, corralling of species by installation of species exclusion fencing, eggs or individuals salvaged after parental nest or den abandonment, direct impacts to foraging and nesting/denning habitat, and with implementation of other take minimization measures required by this ITP. These direct impact activities may reduce the viability of eggs and/or survival of Covered Species or affect migrating individuals. These direct impacts may also affect the fitness of young raised in close proximity to the Project due to reduced or disrupted foraging opportunities that reduce the ability of parents to acquire food for their dependent young. Ground-disturbing activities may result in a temporary reduction of prey species for Covered Species and have impacts on nesting success and successful raising of young.

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

The Project is expected to cause impacts to 1,269 acres of grassland habitat for the Covered Species.

Incidental take of individuals of the Covered Species in the form of indirect adverse impacts may occur as a result of temporal habitat losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts. These short-term and long-term indirect adverse impacts include: stress resulting from noise and vibrations and capture and relocation, increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation; construction, operations, and maintenance activities such as increased vehicle traffic, noise, and lighting; ground vibration; fugitive dust; habitat loss and degradation; habitat modification or changes in vegetation that could result in a change in preferred forage; and altered behavior resulting from Project disturbance in occupied habitat

including physiological and behavioral disruptions that could interfere with denning, nesting, foraging, and reproduction.

**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.

**IX. Conditions of Approval:**

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2021080196) certified by Merced County on March 11, 2025, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in any incidental take permit that will be issued for the Project pursuant to the Federal Endangered Species Act (ESA), unless those terms and conditions are less protective of the Covered Species or otherwise conflict with the conditions of this ITP. In those instances, the Conditions of Approval set forth in this ITP shall control.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
5. **General Provisions:**
  - 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before

starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

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

Permittee shall ensure that the Designated Biologist(s) for SJKF and BUOW is knowledgeable and has experience with the biology, natural history, surveying, positive field identification, construction monitoring of a project covered by an ITP for the requested Covered Species, installation of one-way doors or other exclusion techniques, camera monitoring of burrows, burrow excavation, and all other activities permitted for the role as described in this ITP.

Permittee shall ensure that the Designated Biologist(s) for SWHA is knowledgeable and has experience with the biology, natural history, monitoring of active nests through entire nesting cycles, protocol surveying, positive field identification, construction monitoring of a project covered by an ITP for this Covered Species, and all other activities permitted for this role as described in this ITP.

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

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

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

**5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before conducting any work. The program shall consist of a presentation from the Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP.

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

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

- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. Permittee shall not apply dust suppressant, surfactant, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.
- 5.10. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

**5.11. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval Project Access.

**5.12. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.

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

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

**5.14. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

**5.15. Lighting.** All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.

**5.16. Herbicide Use.** Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.

- 5.17. Rodenticides, Pesticides, and Insecticides.** Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) within the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before their use.
- 5.18. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing. CDFW may approve on a case by case basis, the use of herding dogs for the purpose of sheep grazing for vegetation maintenance, or other similar need, when under the direct supervision of the handler. The use of guardian dogs will not be approved.
- 5.19. Wildfire Avoidance.** Permittee or Permittee’s contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Condition of Approval Education Program.
- 5.20. Permanent Security Fencing Plan.** Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative identified in the Condition of Approval CDFW Notification and Report Submittal.

The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, or other design approved by CDFW, to allow for SJKF permeability and use of the Project Area once construction activities are completed. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.

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

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting construction phase Covered Activities and O&M phase Covered Activities

within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting either phase.

- 6.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 6.3. Compliance Monitoring.** The SJKF and BUOW Designated Biologist(s) shall be on-site daily while the SWHA Designated Biologist shall be on-site daily only if within a .25 mile of an occupied SWHA nest per Condition of Approval SWHA Nest(s) Monitoring, for the duration of each day when Construction Covered Activities or vegetation- or ground-disturbing O&M Covered Activities occur. The SJKF and BUOW Designated Biologist(s) shall also be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night while the SWHA Designated Biologist shall be on-site for these Covered Activities only if within a .25 mile of an occupied SWHA nest per Condition of Approval SWHA Nest(s) Monitoring. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, panel washing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a ground- or vegetation-disturbing activity. The Designated Biologist or Designated Monitor shall conduct compliance inspections a minimum of once every 14 days during Construction Phase periods of inactivity, after clearing, grubbing, and grading are completed for the entire Project Area. Until completion of Construction Phase Covered Activities and during active construction, the Designated Biologist(s) and/or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:

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

- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; and
- (6) document the Covered Activities that occurred.

- 6.4. CDFW Notification and Report Submittal.** All Notifications and Reports required by this ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's issuance, the CDFW Regional Representative is Jim Vang ([Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)), Regional Office ([RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)), and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). If requested, hard copies may be mailed to the CDFW offices listed in the **Notices** section of this ITP.
- 6.5. Quarterly Compliance Report (Construction Phase).** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring, described above, into a Quarterly Compliance Report during the construction phase only and submit to CDFW per Condition of Approval CDFW Notification and Report Submittal no later than the 15<sup>th</sup> day of the month following the reporting period. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.6. Annual Status Report (Construction Phase and O&M Phase).** Permittee shall provide CDFW with an Annual Status Report during the construction phase and O&M phase no later than January 31 of every year, for the previous calendar year (Reporting Period), beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report, identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in Condition of Approval CDFW Notification and Report Submittal. Each Annual Status Report shall include, at a minimum:
- (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the construction phase;
  - (2) a record of the Education Program training sessions provided over the Reporting Period;
  - (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period;
  - (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;

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

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

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

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

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

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

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

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

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

- (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports;
- (2) beginning and ending dates of Covered Activities for the construction phase;

- (3) a copy of the table in the MMRP with notes showing when each of the construction phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species;
- (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and
- (5) any other pertinent information.

**6.10. Final Mitigation Report.** No later than 45 calendar days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum:

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

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

**6.12. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) Designated Representative shall provide initial notification to CDFW via email to the Regional Office at [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days following the directions provided in Condition of Approval CDFW Notification and Report Submittal. 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, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.

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

**Construction Phase Covered Activities Take Minimization Measures**

**7.1. Work Hours.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:

- (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized;
- (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention;
- (3) security patrols, and
- (4) refueling equipment and staging material and equipment.

Permittee shall ensure:

- (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species;
- (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and
- (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.

- 7.2. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or nest burrows except within designated staging areas for which dens or burrows have been excavated per the Conditions of Approval SJKF Den Excavation and/or BUOW Burrow Excavation. Vehicles left overnight shall be located outside of the applicable avoidance distances as defined in Conditions of Approval SJKF Den Avoidance, SWHA Nest Buffers, and BUOW Burrow Avoidance.
- 7.3. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may move the Covered Species out of harm’s way as authorized in this ITP and in compliance with Conditions of Approval SHWA Nest Abandonment Contingency Plan and/or BUOW Mortality Reduction Plan, as applicable.
- 7.4. Pipe and Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of three inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move the Covered Species out of harm’s way as authorized in this ITP and in compliance with Conditions of Approval SHWA Nest Abandonment Contingency Plan and/or BUOW Mortality Reduction Plan, as applicable.
- 7.5. Excavation Inspection.** The Designated Biologist(s) or Designated Monitor(s) shall inspect all trenches, open holes, and other excavations (collectively, Excavations) within the Project Area at the beginning and end of each day for trapped animals. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.
- **Cover:** Unless inspected daily, all Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the Excavation cover shall conform to

solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.

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

**7.6. Covered Species Observations.** All workers shall inform the Designated Biologist(s) if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord or until the Designated Biologist moves the individual out of harm's way as authorized in this ITP and in compliance with Conditions of Approval SHWA Nest Abandonment Contingency Plan and BUOW Mortality Reduction Plan.

**7.7. Covered Species Injury.** If an egg, juvenile, or adult Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report as described in the Condition of Approval Notification of Take of Injury and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

***San Joaquin Kit Fox-Specific Take Minimization Measures:***

**7.8. SJKF Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities in each discreet work area, the Designated Biologist(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens and shall identify, flag, and map all such dens. Surveys shall include the entire Project Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct work

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

**7.9. SJKF Den Avoidance.** The Permittee shall notify USFWS and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:

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

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

- 7.10. SJKF Den Blockage.** The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval SJKF Den Avoidance, but outside the discrete ground-disturbing Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF is not currently present. The wildlife camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or if SJKF regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.
- 7.11. SJKF Den Excavation.** Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Dens (atypical, known, natal, and potential natal dens) to be destroyed shall be fully excavated by the Designated Biologist(s) or by the Designated Monitor(s) under direct supervision of the Designated Biologist(s). A potential den may be independently excavated by a Designated Monitor(s) only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, “keyhole shape” burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from CDFW prior to proceeding with den destruction.
- 7.12. SJKF Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 14 calendar days before starting Covered Activities. Permittee shall replace each known and active SJKF den within the Project Area that cannot be avoided per Condition of Approval SJKF Den Avoidance with an artificial den to compensate for the loss of important

shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications.

***Swainson's Hawk-Specific Take Minimization Measures:***

- 7.13. SWHA Surveys.** The Designated Biologist shall conduct pre-construction surveys during the nesting season (February 15 through September 15) at and within 0.5-mile of the Project Area. The Designated Biologist or Designated Representative shall provide the survey results to CDFW in a written report no more than five days before beginning Covered Activities.
- 7.14. SWHA Nest(s) Monitoring.** If a nesting SWHA is located at or within 0.25-mile of the distinct work area(s) within the Project Area, the Designated Biologist(s) shall be present daily for the entire duration of any Covered Activities occurring during the nesting season (February 15 through September 15) and within 0.25-mile of the active nest, to monitor the behavior of the SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.
- 7.15. SWHA Nest Buffers.** The Permittee and Designated Biologist(s) shall ensure that no Covered Activities occur within 100 feet of a SWHA nest during the nesting season (February 15 through September 15). The 100-foot no-disturbance buffer shall not be reduced or otherwise modified without prior written CDFW approval. Worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking is prohibited within 1,000 feet of any SWHA nest.

**7.16. SWHA Nest Abandonment Contingency Plan.** The Designated Biologist shall prepare a SWHA Nest Abandonment Contingency Plan and submit it to CDFW for written approval at least 14 days prior to the start of Covered Activities. The plan shall include, but not be limited to, identification of capture methods, handling methods, methods to return SWHA back into the wild, and the identification of a CDFW-approved wildlife rehabilitation center or veterinary facility. The Permittee shall fund the recovery and hacking (controlled release) of the SWHA nestlings. Once the SWHA Nest Abandonment Contingency Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SWHA Nest Abandonment Contingency Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

**Burrowing Owl-Specific Take Minimization Measures**

**7.17. BUOW Mortality Reduction Plan.** The Designated Biologist shall prepare a BUOW Mortality Reduction Plan and submit it to CDFW for written approval at least 14 days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist, are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage.

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

**7.18. BUOW Burrow Replacement Plan.** Permittee shall replace each known BUOW burrow (as defined in the Condition of Approval BUOW Burrow Avoidance) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Burrow Replacement Plan prepared by an approved Designated

Biologist to CDFW no more than 120 calendar days after beginning Covered Activities. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; long-term artificial burrow protection and maintenance methods; and timing of BUOW burrow installation/construction.

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

- 7.19. BUOW Pre-Construction Surveys and Reporting.** The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known, and/or nesting burrows (as defined in the Condition of Approval BUOW Burrow Avoidance) within 30 calendar days prior to beginning Covered Activities in each discreet portion of the Project Area or phase. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct work area(s) within the Project Area), unless otherwise approved in advance and in writing by CDFW. If the Designated Biologist identifies any known or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval BUOW Burrow Blockage and BUOW Burrow Excavation unless avoided per Condition of Approval BUOW Burrow Avoidance. Permittee shall provide the pre-construction survey results with a Burrow Map (see Condition of Approval Burrow Map) in a written report to CDFW’s Regional Representative at least five calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).
- 7.20. Burrow Map.** The Designated Biologist shall provide a KMZ map to CDFW of all known and/or nesting BUOW burrows found during the surveys performed per the Condition of Approval BUOW Pre-Construction Surveys and Reporting. The map shall show details and locations of all BUOW sightings and known and nesting BUOW burrows as defined in the Condition of Approval BUOW Burrow Avoidance. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.
- 7.21. BUOW Burrow Avoidance.** The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:

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

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

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

- 7.22. BUOW Burrow Excavation.** The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval BUOW Burrow Avoidance and that are within the footprint of ground-disturbing activities. 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 to obtain written guidance from CDFW before proceeding with burrow destruction. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and the BUOW(s) is/are no longer using the burrow.

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

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

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

- 7.24. O&M Covered Activities Requirement.** Permittee shall implement all Conditions of Approval General Provisions and Monitoring, Notification and Reporting Provisions of this ITP for all O&M ground and vegetation disturbing Covered Activities as applicable.
- 7.25. O&M Covered Activities Designated Biologist(s) or Designated Monitor(s) On-site.** The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.
- 7.26. O&M Covered Activities Work Hours.** Permittee shall confine any O&M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or species specific take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.
- 7.27. O&M Covered Activities Vehicle Parking.** During all O&M Covered Activities, Permittee shall not allow vehicles to park on top of potential Covered Species dens, burrows, or nest burrows. Vehicles left overnight shall not be located within the applicable avoidance distances as defined in Conditions of Approval SJKF Den Avoidance, SWHA Nest Buffers, and BUOW Burrow Avoidance.
- 7.28. O&M Phase Vehicle and Equipment Inspection.** During the O&M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of this ITP.
- 7.29. O&M Phase Permanent Security Fence Inspection.** During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the Permanent Security Fencing Plan.
- 7.30. O&M Covered Activities Pipes and Materials Inspection.** Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter

them and become trapped. Workers shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, the Designated Biologist shall be contacted, and that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.

- 7.31. O&M Covered Activities Covered Species Observations.** During all O&M Covered Activities within the Project Area, workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord.
- 7.32. O&M Vegetation Maintenance.** Permittee shall maintain vegetation on site to an average height conducive to use by Covered Species and their prey, generally a minimum of 4 inches and maximum 8 inches in height, and in accordance with Conditions of Approval Herbicide Use and Dogs. Fire roads/fire breaks, access roads, fence lines, O&M buildings, the Project substation, BESS, and inverter stations may be maintained without vegetation. Permittee may request variations to this Condition of Approval by submitting a Vegetation Maintenance Plan to CDFW for review and written approval. A Vegetation Maintenance Plan must be approved in writing prior to implementing a variation.
- 7.33. O&M Covered Activities SJKF Den Avoidance.** Unless otherwise approved in writing by CDFW, if a potential, known, natal, potential natal, or atypical SJKF den (any subterranean hole, three inches or larger), is located within or near proposed O&M work, SJKF den avoidance shall occur in accordance with Condition of Approval SJKF Den Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval SJKF Den Blockage or SJKF Den Excavation, and SJKF Den Replacement Plan as appropriate.
- 7.34. O&M Covered Activities BUOW Burrow Avoidance.** Unless otherwise approved in writing by CDFW, if a known or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval BUOW Burrow Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval BUOW Burrow Blockage and BUOW Excavation, BUOW Burrow Mortality Reduction Plan, and BUOW Artificial Burrow Replacement Plan as appropriate.

**7.35. O&M Covered Activities SWHA Nest Avoidance.** Unless otherwise approved in writing by CDFW, the Designated Biologist(s) shall follow Condition of Approval SWHA Nest Buffers during the nesting season (February 15 through September 15). If an active nest is abandoned or a SWHA is injured, the Designated Biologist(s) shall follow the CDFW approved SWHA Nest Abandonment Contingency Plan and Condition of Approval SWHA Injury as applicable.

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

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

To meet this requirement, the Permittee shall provide for both the permanent protection and management of a specific 2,048 acre-area of Habitat Management (HM) lands (Proposed HM Lands) located on the south side of Los Banos Reservoir (Figure 3) pursuant to Condition of Approval Habitat Management Lands Acquisition and Protection and the calculation and deposit of the management funds pursuant to Condition of Approval Endowment Fund. Permittee has requested and CDFW approved the permanent protection and the perpetual management of 2081.50-acre HM lands. Of the full acreage protected via recordation of a Conservation Easement, only 2000.35 acres fulfills the HM Land Acquisition requirement due to title encumbrances. However, the perpetual monitoring and management of a 75-acre partial parcel (APN 088-040-029) previously recorded under a separate conservation easement granted to CDFW and recorded December 8, 1999, in the Official Records of Merced County, California, at Book 3948, Page 316, and perpetual management of an adjacent 378-acre parcel (APN 088-040-030) previously recorded under a separate conservation easement granted to CDFW and recorded March 7, 1997, in the Official Records of Merced County, California at Book 3581, Pages 239-249 (Quitclaim 234-238) (collectively, the Salt Creek Conservation Easement) was included as a part of the package to fulfill the remaining acreage required. These two protected areas (totaling 453 acres) are currently underfunded for perpetual monitoring and management and the Permittee’s

inclusion of these areas in the Proposed HM Lands provides value. The Proposed HM Lands, Salt Creek Conservation Easement, and the adjacent 86.31-acre Los Banos Creek Conservation Easement (where both the latter total 539.31 acres) will provide habitat connectivity and protection in perpetuity on a portion of a SJKF movement corridor. This movement corridor will contribute to a permanently conserved area of connectivity from the Salt Creek area south of Los Banos Reservoir to the Simon-Newman Ranch (Constable et al. 2009), enhancing connections of conservation land (USFWS 1998). Protection of this movement corridor is an essential element of the Proposed HM Lands, as it provides compensatory mitigation that is commensurate with the Project's impact to a similar SJKF movement corridor at the SR 152 and Interstate 5 interchange. Should conservation of the Proposed HM Lands be infeasible, Permittee shall ensure that an alternative 2,048 acres (not including roads, utility easements, etc.) of HM Lands are provided which are comparable or better in habitat quality than the these specific lands depicted in Figure 3, including being occupied by the Covered Species and conserving an important north-south SJKF movement corridor in the northern part of the SJKF range.

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

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

- 8.1.1. Land acquisition costs for HM lands identified in Condition of Approval Habitat Management Lands Acquisition and Protection, estimated at \$5,000/acre for 2,048 acres: **\$10,240,000.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Conditions of Approval Fee Title and Conservation Easement estimated at: **\$541,100.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Condition of Approval Start-up Activities, estimated at: **\$577,881.25**;
- 8.1.4. Interim management period funding as described in the Condition of Approval Interim Management (Initial and Capital), estimated at: **\$198,996.55**;
- 8.1.5. Long-term management funding as described in the Condition of Approval Endowment Fund: **\$1,903,523.75**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Condition of Approval Reimburse CDFW, estimated at: **\$13,600.00**.

8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work estimated at: **\$45,479.00**.

**8.2. Habitat Management Lands Acquisition and Protection.** Permittee shall:

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

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

8.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

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

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

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

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

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

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

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

does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

- 8.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.
- 8.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- 8.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.
- 8.3.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and

manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

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

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

**9.1. Security Amount.** The Security shall be in the amount of **\$13,520,580.60** or in the amount identified in the Condition of Approval Cost Estimates specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the Condition of Approval Cost Estimates, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

**9.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

**9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin.

**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.** Permittees shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Written documentation of the acquisition of the HM lands;
  - Copies of all executed and recorded conservation easements; and
  - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment

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

**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, Designated Monitor(s), nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**XII. Compliance with Other Laws:**

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

**XIII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2023-008-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, California 94244-2090  
[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:

Jim Vang, Senior Environmental Scientist (Specialist)  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 580-3203  
[Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)

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

CDFW’s issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Merced County Community and Economic Development Department. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency’s prior environmental review of the Project is set forth in the Las Camas Solar Project Conditional Use Permit No. CUP 20-011, General Plan Amendment No. 20-001, Zone Change Amendment No. ZC 21-002, by EDPR CA Solar Park, LLC (SCH No.: 2021080196), dated May 2024 that the Merced County Community and Economic Development Department certified for Las Camas Solar Project Conditional Use Permit No. CUP 20-011, General Plan Amendment No. 20-001, Zone Change Amendment No. ZC 21-002 on March 11, 2025; a subsequent addendum to the certified March 2025 Supplemental EIR was filed and approved by the lead agency. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

**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, General Plan Amendment No. 20-001, Zone Change Amendment No. ZC 21-002, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent Covered Species habitat protection in an area providing

commensurate movement corridor value to SJKF as compared to the Project impact area; (2) establishment of SJKF movement corridors within the Project Area; (3) worker education; and (4) Quarterly and Annual Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2,048 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. Literature Cited:**

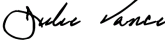
Constable J., B. Cypher, S. Phillips, and P. Kelley. 2009. California State University, Stanislaus Endangered Species Recover Program. Prepared for the U.S. Bureau of Reclamation.  
[https://esrp.csustan.edu/publications/reports/usbr/esrp\\_2009\\_wmercedkitfox\\_e.pdf](https://esrp.csustan.edu/publications/reports/usbr/esrp_2009_wmercedkitfox_e.pdf)

U. S. Fish and Wildlife Service. 1998. Recovery plan for upland species of the San Joaquin Valley, California. Region 1, Portland, OR. 319 pp

**XVII. Attachments:**

- |              |   |
|--------------|---|
| FIGURE 1     | Project Regional Map (Amendment 1)                      |
| FIGURE 2     | Project Site (Amendment 1)                              |
| FIGURE 3     | Mitigation Property (Proposed Habitat Management Lands) |
| ATTACHMENT 1 | Mitigation Monitoring and Reporting Program             |
| ATTACHMENT 2 | Biologist Resume Form                                   |
| ATTACHMENT 3 | Letter of Credit Form                                   |
| ATTACHMENT 4 | Amended and Restated with Track Changes                 |

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON** 5/20/2026

DocuSigned by:  
  
EA83F09FE08945A

Julie A. Vance, Regional Manager  
Central Region

Incidental Take Permit – Major Amendment No. 1  
No. 2081-2023-008-04  
**EDP RENEWABLES CALIFORNIA SOLAR PARK III, LLC**  
**LAS CAMAS SOLAR FACILITY PROJECT**

FIGURE 1

Project Regional Map (Amendment 1)

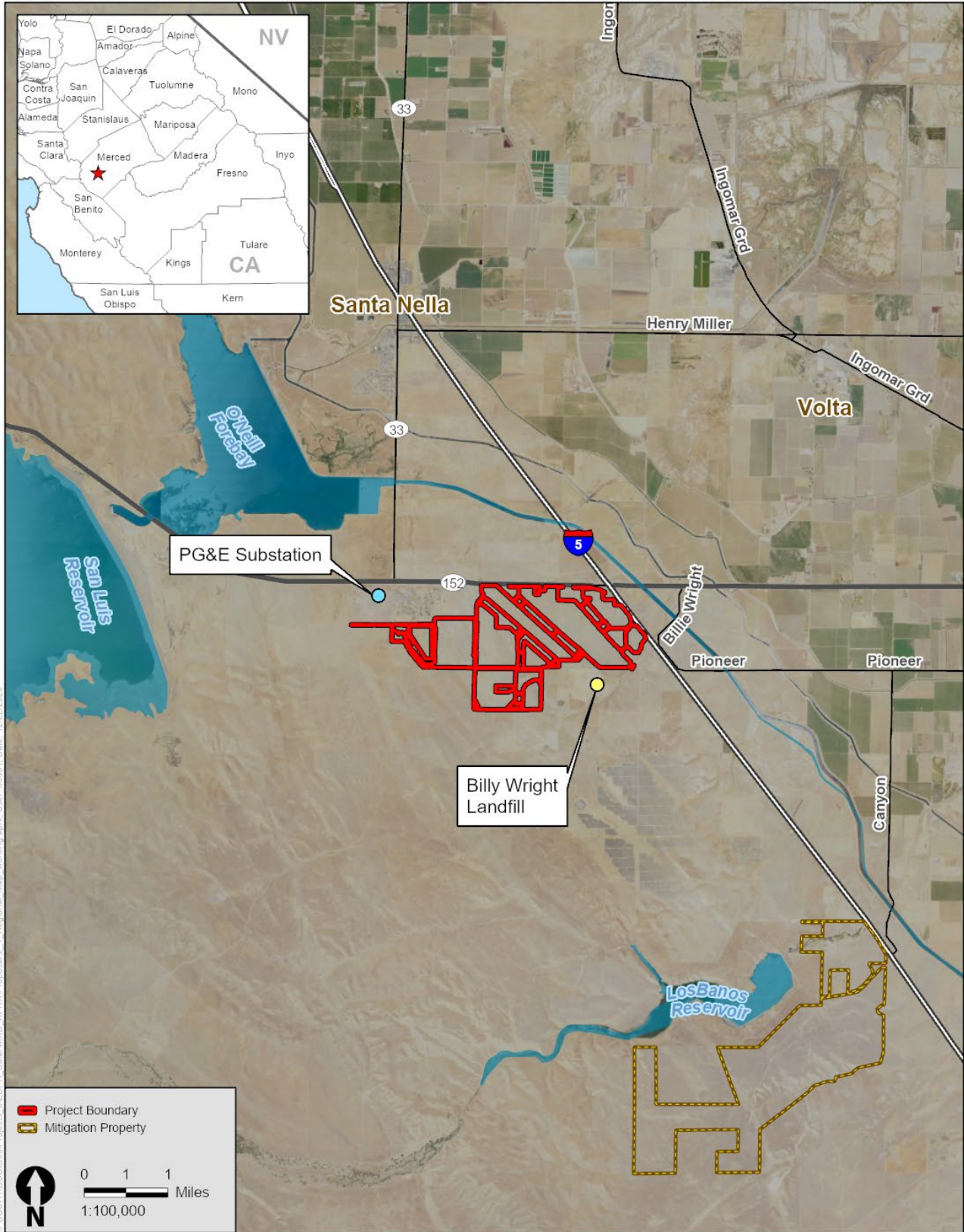


Figure 1. Project Regional Map (Amendment 1)

FIGURE 2

Project Site (Amendment 1)

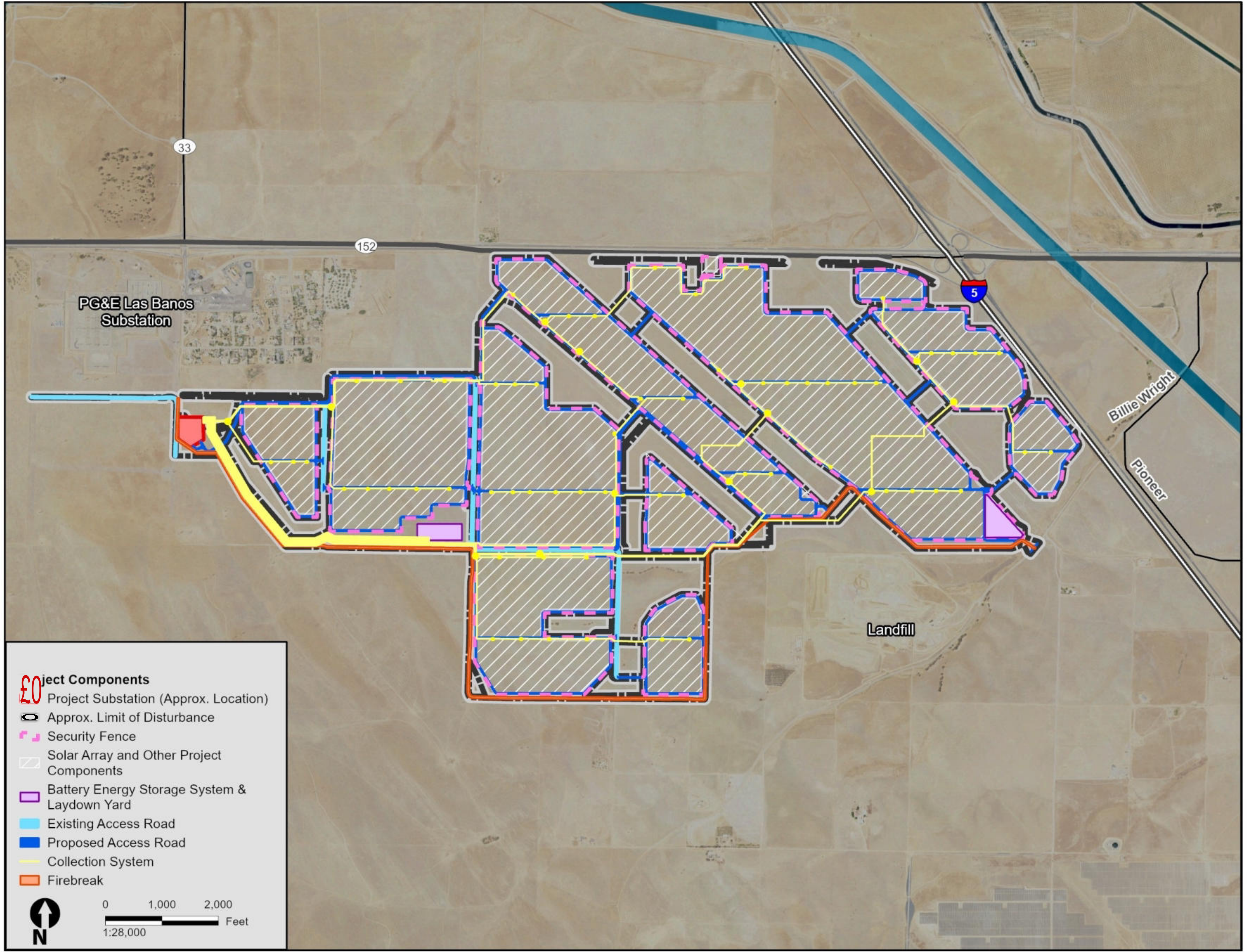


Figure 2 - Project Site (Amendment 1)

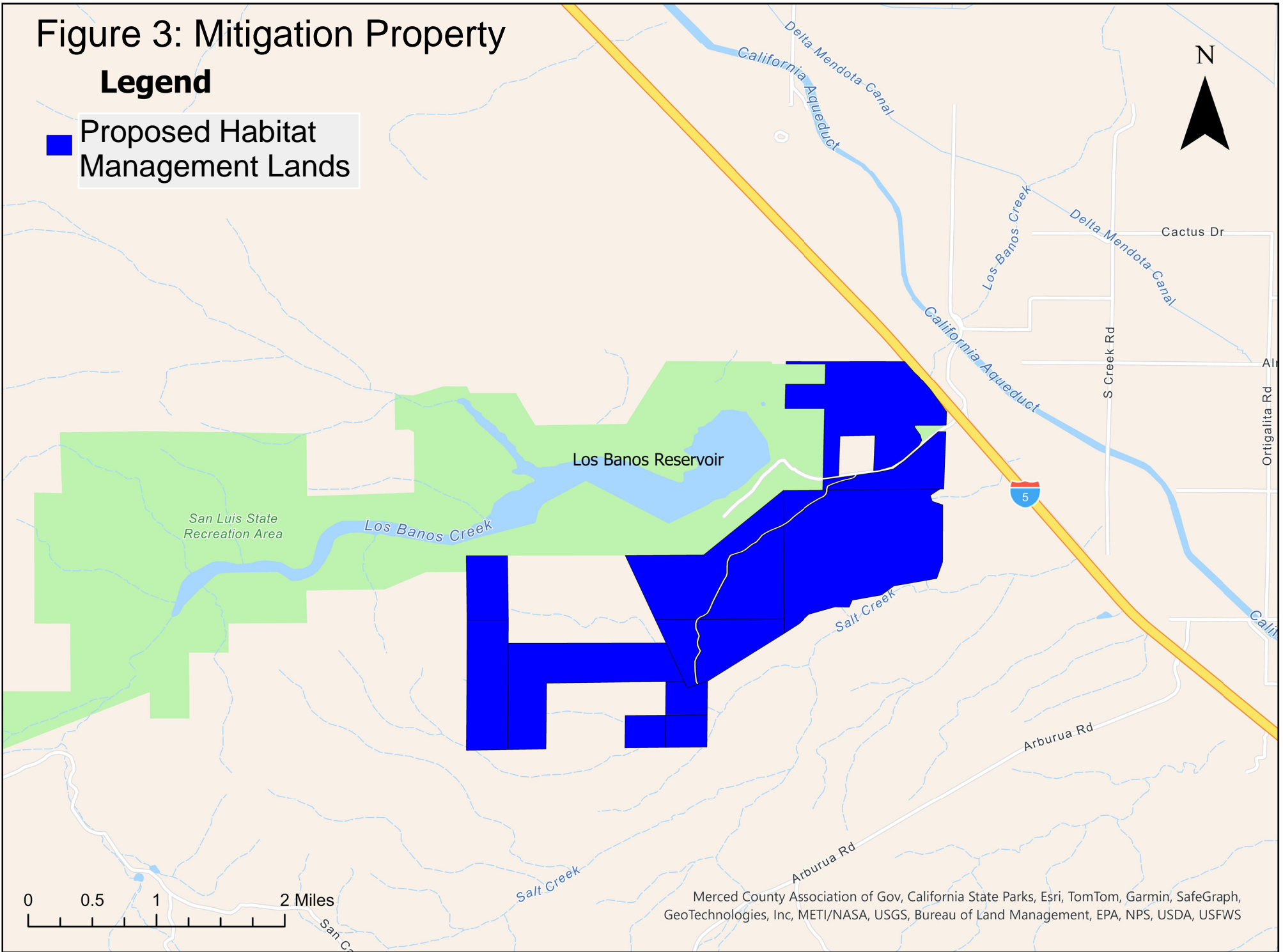
FIGURE 3

Mitigation Property (Proposed Habitat Management Lands)

# Figure 3: Mitigation Property

## Legend

- Proposed Habitat Management Lands



## ATTACHMENT 1

### Mitigation Monitoring and Reporting Program

**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2023-008-04  
Major Amendment No. 1**

**PERMITTEE: EDP Renewables California Solar Park III, LLC**

**PROJECT: Las Camas Solar Facility Project**

**PURPOSE OF THE MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## **TABLE OF MITIGATION MEASURES**

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

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.</p>	<p>ITP Condition # 5.1</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	
<p><u>Designated Biologist(s) and Designated Monitor(s).</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist, Designated Monitor) and the requested species for that role. The qualifications/resume information shall be limited to verifiable experience specific to the requested species and shall include the name and contact information of a reference that can verify the stated experience. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s) and Designated Monitor(s) meet the requirements described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP.</p> <p>Permittee shall ensure that the Designated Biologist(s) for SJKF and BUOW is knowledgeable and has experience with the biology, natural history, surveying, positive field identification, construction monitoring of a project covered by an ITP for the requested Covered Species, installation of one-way doors or other exclusion techniques, camera monitoring of burrows, burrow excavation, and all other activities permitted for the role as described in the ITP.</p> <p>Permittee shall ensure that the Designated Biologist(s) for SWHA is knowledgeable and has experience with the biology, natural history, monitoring of active nests through entire nesting cycles, protocol surveying, positive field identification, construction monitoring of a project covered by an ITP for this Covered Species, and all other activities permitted for this role as described in the ITP.</p> <p>Permittee shall ensure that the Designated Monitor(s) is knowledgeable and experienced in the biology and natural history of the specific Covered Species for that being requested. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).</p> <p>The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.</p>	<p>ITP Condition # 5.2</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Designated Biologist(s) and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) or Designated Monitor(s) shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they shall notify CDFW immediately in accordance with the Condition of Approval <u>CDFW Notification and Report Submittal</u>. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.</p>	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee, Designated Biologist(s), or Designated Monitor(s)	
<p><u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before conducting any work. The program shall consist of a presentation from the Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP.</p> <p>Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to conduct 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.</p>	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.</p>	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee, Designated Biologist(s), or Designated Monitor(s)	
<p><u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.</p>	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Dust Control.</u> Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&amp;M activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. Permittee shall not apply dust suppressant, surfactant, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.</p>	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.</p>	ITP Condition # 5.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>Delineation of Property Boundaries.</u> Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.</p>	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities	Permittee	
<p><u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.</p>	ITP Condition #5.10	Entire Project	Permittee	
<p><u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval <u>Project Access</u>.</p>	ITP Condition #5.11	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.</p> <p>Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval <u>SJKF Den Avoidance</u>, <u>SWHA Nest Buffers</u>, and <u>BUOW Burrow Avoidance</u>, unless approved in advance in writing by CDFW.</p>	ITP Condition #5.12	Entire Project	Permittee	
<p><u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project site under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.</p>	ITP Condition #5.13	Entire Project	Permittee	
<p><u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.</p>	ITP Condition #5.14	Entire Project/Post-construction	Permittee	
<p><u>Lighting.</u> All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.</p>	ITP Condition #5.15	Entire Project	Permittee	
<p><u>Herbicide Use.</u> Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.</p>	ITP Condition #5.16	Entire Project	Permittee	
<p><u>Rodenticides, Pesticides, and Insecticides.</u> Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) within the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before their use.</p>	ITP Condition #5.17	Entire Project	Permittee	
<p><u>Dogs.</u> Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing. CDFW may approve on a case by case basis, the use of herding dogs for the purpose of sheep grazing for vegetation maintenance, or other similar need, when under the direct supervision of the handler. The use of guardian dogs will not be approved.</p>	ITP Condition #5.18	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Wildfire Avoidance.</u> Permittee or Permittee’s contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Condition of Approval Education Program.</p>	ITP Conditions #5.19	Entire Project	Permittee	
<p><u>Permanent Security Fencing Plan.</u> Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative identified in the Condition of Approval <u>CDFW Notification and Report Submittal.</u></p> <p>The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, or other design approved by CDFW, to allow for SJKF permeability and use of the Project Area once construction activities are completed. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.</p>	ITP Conditions #5.20	Before commencing ground- or vegetation-disturbing activities	Permittee	
<p><u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW before starting construction phase Covered Activities and O&amp;M phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting either phase.</p>	ITP Conditions #6.1	Before commencing ground- or vegetation-disturbing activities	Designated Representative	
<p><u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.</p>	ITP Conditions #6.2	Entire Project	Designated Representative or Designated Biologist(s)	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Compliance Monitoring.</u> The SJKF and BUOW Designated Biologist(s) shall be on-site daily while the SWHA Designated Biologist shall be on-site daily <u>only</u> if within a .25 mile of an occupied SWHA nest per Condition of Approval <u>SWHA Nest(s) Monitoring</u>, for the duration of each day when Construction Covered Activities or vegetation- or ground-disturbing O&amp;M Covered Activities occur. The SJKF and BUOW Designated Biologist(s) shall also be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night while the SWHA Designated Biologist shall be on-site for these Covered Activities only if within a .25 mile of an occupied SWHA nest per Condition of Approval <u>SWHA Nest(s) Monitoring</u>. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, panel washing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a ground- or vegetation-disturbing activity. The Designated Biologist or Designated Monitor shall conduct compliance inspections a minimum of once every 14 days during Construction Phase periods of inactivity, after clearing, grubbing, and grading are completed for the entire Project Area. Until completion of Construction Phase Covered Activities and during active construction, the Designated Biologist(s) and/or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.</p> <p>The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> <li>(1) minimize incidental take of the Covered Species;</li> <li>(2) prevent unlawful take of species;</li> <li>(3) check for compliance with all measures of the ITP;</li> <li>(4) check all exclusion zones;</li> <li>(5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; and</li> <li>(6) document the Covered Activities that occurred.</li> </ul>	<p>ITP Conditions #6.3</p>	<p>Entire Project</p>	<p>Designated Biologist(s) and Designated Monitor(s)</p>	
<p><u>CDFW Notification and Report Submittal.</u> All Notifications and Reports required by the ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of the ITP's issuance, the CDFW Regional Representative is Jim Vang (<a href="mailto:Jim.Vang@wildlife.ca.gov">Jim.Vang@wildlife.ca.gov</a>), Regional Office (<a href="mailto:RRR.R4@wildlife.ca.gov">RRR.R4@wildlife.ca.gov</a>), and Headquarters CESA Program email is <a href="mailto:CESA@wildlife.ca.gov">CESA@wildlife.ca.gov</a>. If requested, hard copies may be mailed to the CDFW offices listed in the <b>Notices</b> section of the ITP.</p>	<p>ITP Conditions #6.4</p>	<p>Entire Project</p>	<p>Permittee</p>	

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

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Emergency Nightwork</u>. Permittees shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the Annual Status Report.</p>	ITP Condition # 6.7	Entire Project	Permittee	
<p><u>CNDDDB Observations</u>. The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.</p> <ul style="list-style-type: none"> <li>• During the Construction phase, the Designated Biologist shall include copies of the submitted forms with the next <u>Quarterly Compliance Report</u> or <u>Annual Status Report</u>, whichever is submitted first relative to the observation.</li> <li>• During the O&amp;M phase, the Designated Biologist shall include copies of the submitted forms with the next <u>Annual Status Report</u>.</li> </ul>	ITP Condition # 6.8	Entire Project	Designated Biologist(s)	
<p><u>Construction Phase Conditions of Approval Evaluation Report</u>. No later than 45 days after completion of all construction activities for the solar array development area and gen-tie line, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the direction provided in Condition of Approval <u>CDFW Notification and Report Submittal</u>.</p> <p><u>The Construction Phase Conditions of Approval Evaluation Report</u> shall include, at a minimum:</p> <ul style="list-style-type: none"> <li>(1) a summary of all <u>Quarterly Compliance Reports</u> and all <u>Annual Status Reports</u>;</li> <li>(2) beginning and ending dates of Covered Activities for the construction phase;</li> <li>(3) a copy of the table in this MMRP with notes showing when each of the construction phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species;</li> <li>(4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and</li> <li>(5) any other pertinent information.</li> </ul>	ITP Condition # 6.9	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Final Mitigation Report</u>. No later than 45 calendar days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum:</p> <ul style="list-style-type: none"> <li>(1) a summary of all <u>Annual Status Reports</u>;</li> <li>(2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented;</li> <li>(3) all available information about Project-related incidental take of the Covered Species;</li> <li>(4) information about other Project impacts on the Covered Species;</li> <li>(5) beginning and ending dates of Covered Activities;</li> <li>(6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species;</li> <li>(7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and</li> <li>(8) any other pertinent information.</li> </ul>	<p>ITP Condition # 6.10</p>	<p>Entire Project</p>	<p>Permittee</p>	
<p><u>As-Built Development Plans</u>. No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit as-built development plans following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed.</p>	<p>ITP Condition # 6.11</p>	<p>No later than 45 calendar days after completion of all construction phase Covered Activities</p>	<p>Permittee</p>	
<p><u>Notification of Take or Injury</u>. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) Designated Representative shall provide initial notification to CDFW via email to the Regional Office at <a href="mailto:RRR.R4@wildlife.ca.gov">RRR.R4@wildlife.ca.gov</a>. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days following the directions provided in Condition of Approval <u>CDFW Notification and Report Submittal</u>. 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, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.</p>	<p>ITP Condition # 6.12</p>	<p>Entire Project</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Work Hours.</u> Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:</p> <ul style="list-style-type: none"> <li>(1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized;</li> <li>(2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention;</li> <li>(3) security patrols, and</li> <li>(4) refueling equipment and staging material and equipment.</li> </ul> <p>Permittee shall ensure:</p> <ul style="list-style-type: none"> <li>(1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species;</li> <li>(2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and</li> <li>(3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.</li> </ul>	<p>ITP Condition # 7.1</p>	<p>Entire Project</p>	<p>Permittee</p>	
<p><u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or nest burrows except within designated staging areas for which dens or burrows have been excavated per the Conditions of Approval <u>SJKF Den Excavation</u> and/or <u>BUOW Burrow Excavation</u>. Vehicles left overnight shall be located outside of the applicable avoidance distances as defined in Conditions of Approval <u>SJKF Den Avoidance</u>, <u>SWHA Nest Buffers</u>, and <u>BUOW Burrow Avoidance</u>.</p>	<p>ITP Condition # 7.2</p>	<p>Entire Project</p>	<p>Permittee</p>	
<p><u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may move the Covered Species out of harm's way as authorized in the ITP and in compliance with Conditions of Approval <u>SHWA Nest Abandonment Contingency Plan</u> and/or <u>BUOW Mortality Reduction Plan</u>, as applicable.</p>	<p>ITP Condition # 7.3</p>	<p>Entire Project</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Pipe and Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of three inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move the Covered Species out of harm's way as authorized in the ITP and in compliance with Conditions of Approval <u>SHWA Nest Abandonment Contingency Plan</u> and/or <u>BUOW Mortality Reduction Plan</u>, as applicable.</p>	<p>ITP Condition # 7.4</p>	<p>Entire Project</p>	<p>Permittee</p>	
<p><u>Excavation Inspection.</u> The Designated Biologist(s) or Designated Monitor(s) shall inspect all trenches, open holes, and other excavations (collectively, Excavations) within the Project Area at the beginning and end of each day for trapped animals. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.</p> <ul style="list-style-type: none"> <li>• <u>Cover:</u> Unless inspected daily, all Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.</li> <li>• <u>Escape Ramp:</u> As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All Excavations shall have an additional escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope for every additional 50 feet of Excavation length. For example, a 50-foot-long Excavation would have two escape ramps and a 100-foot-long Excavation would have three escape ramps.</li> </ul>	<p>ITP Condition # 7.5</p>	<p>Entire Project</p>	<p>Designated Biologist(s) or Designated Monitor(s)</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Covered Species Observations</u>. All workers shall inform the Designated Biologist(s) if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord or until the Designated Biologist moves the individual out of harm's way as authorized in the ITP and in compliance with Conditions of Approval <u>SHWA Nest Abandonment Contingency Plan</u> and <u>BUOW Mortality Reduction Plan</u>.</p>	ITP Condition # 7.6	Entire Project	Designated Biologist(s)	
<p><u>Covered Species Injury</u>. If an egg, juvenile, or adult Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report as described in the Condition of Approval <u>Notification of Take of Injury</u> and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.</p>	ITP Condition # 7.7	Entire Project	Permittee/ Designated Biologist(s)	
<p><u>SJKF Pre-Construction Surveys and Reporting</u>. No more than 30 calendar days prior to beginning Covered Activities in each discreet work area, the Designated Biologist(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens and shall identify, flag, and map all such dens. Surveys shall include the entire Project Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct work area(s) within the Project Area), unless otherwise approved in writing by CDFW. If the Designated Biologist identifies any potential, known, and/or natal SJKF dens, the den(s) shall be monitored following the Conditions of Approval <u>SJKF Den Blockage</u> and <u>SJKF Den Excavation</u> unless avoided per Condition of Approval <u>SJKF Den Avoidance</u>. Permittee shall provide the pre-construction survey results in a written report in accordance with Condition of Approval <u>CDFW Notification and Report Submittal</u> at least five calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date and time of the survey(s), results, and location map and discussion of each potential, known, and/or natal SJKF den identified.</p>	ITP Condition # 7.8	No more than 30 calendar days prior to beginning Covered Activities	Designated Biologist(s)	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><b>SJKF Den Avoidance.</b> The Permittee shall notify USFWS and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:</p> <ul style="list-style-type: none"> <li>1.1.1. If a potential SJKF den (any subterranean hole, three inches or larger, or "atypical" den (e.g., a pipe or culvert)) for which no evidence is present to conclude that the den is being used or has been used by a SJKF is discovered, a minimum 50-foot no-disturbance buffer shall be established around the den.</li> <li>1.1.2. If a known SJKF den or known atypical den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den type.</li> <li>1.1.3. If a potential natal SJKF den (a den with two or more openings) is discovered, a no-disturbance buffer of at least 200 feet shall be established around the den.</li> <li>1.1.4. If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, a no-disturbance buffer of at least 250 feet shall be established around the den.</li> </ul> <p>Establishment of larger no-disturbance buffers are warranted if SJKF are visibly stressed by the Covered Activities or workers in the vicinity and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected SJKF(s). If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval <u>SJKF Den Blockage</u>, <u>SJKF Den Excavation</u>, and <u>SJKF Den Replacement Plan</u> as appropriate unless otherwise approved in writing by CDFW in which a unique circumstance will be evaluated on a case-by-case basis and could require additional and/or ongoing monitoring to allow a deviation from these species-specific minimization measures.</p>	<p>ITP Condition # 7.9</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>SJKF Den Blockage</u>. The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval <u>SJKF Den Avoidance</u>, but outside the discrete ground-disturbing Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF is not currently present. The wildlife camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or if SJKF regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.</p>	<p>ITP Condition # 7.10</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Designated Biologist(s)/ Permittee</p>	
<p><u>SJKF Den Excavation</u>. Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Dens (atypical, known, natal, and potential natal dens) to be destroyed shall be fully excavated by the Designated Biologist(s) or by the Designated Monitor(s) under direct supervision of the Designated Biologist(s). A potential den may be independently excavated by a Designated Monitor(s) only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, "keyhole shape" burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from CDFW prior to proceeding with den destruction.</p>	<p>ITP Condition # 7.11</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Designated Biologist(s)/ Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>SJKF Den Replacement Plan.</u> Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 14 calendar days before starting Covered Activities. Permittee shall replace each known and active SJKF den within the Project Area that cannot be avoided per Condition of Approval <u>SJKF Den Avoidance</u> with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications.</p>	<p>ITP Condition # 7.12</p>	<p>At least 14 calendar days before starting Covered Activities</p>	<p>Permittee</p>	
<p><u>SWHA Surveys.</u> The Designated Biologist shall conduct pre-construction surveys during the nesting season (February 15 through September 15) at and within 0.5-mile of the Project Area. The Designated Biologist or Designated Representative shall provide the survey results to CDFW in a written report no more than five days before beginning Covered Activities.</p>	<p>ITP Condition # 7.13</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Designated Biologist(s)/ Designated Representative</p>	
<p><u>SWHA Nest(s) Monitoring.</u> If a nesting SWHA is located at or within 0.25-mile of the distinct work area(s) within the Project Area, the Designated Biologist(s) shall be present daily for the entire duration of any Covered Activities occurring during the nesting season (February 15 through September 15) and within 0.25-mile of the active nest, to monitor the behavior of the SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.</p>	<p>ITP Condition # 7.14</p>	<p>Entire Project</p>	<p>Designated Biologist(s)</p>	
<p><u>SWHA Nest Abandonment Contingency Plan.</u> The Designated Biologist shall prepare a SWHA Nest Abandonment Contingency Plan and submit it to CDFW for written approval at least 14 days prior to the start of Covered Activities. The plan shall include, but not be limited to, identification of capture methods, handling methods, methods to return SWHA back into the wild, and the identification of a CDFW-approved wildlife rehabilitation center or veterinary facility. The Permittee shall fund the recovery and hacking (controlled release) of the SWHA nestlings. Once the SWHA Nest Abandonment Contingency Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SWHA Nest Abandonment Contingency Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.</p>	<p>ITP Condition # 7.16</p>	<p>At least 14 days prior to the start of Covered Activities</p>	<p>Designated Biologist(s)/ Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Mortality Reduction Plan</u>. The Designated Biologist shall prepare a BUOW Mortality Reduction Plan and submit it to CDFW for written approval at least 14 days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist, are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage.</p> <p>Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case, CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.</p>	<p>ITP Condition # 7.17</p>	<p>At least 14 days prior to the start of Covered Activities</p>	<p>Designated Biologist(s)</p>	
<p><u>BUOW Burrow Replacement Plan</u>. Permittee shall replace each known BUOW burrow (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW no more than 120 calendar days after beginning Covered Activities. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; long-term artificial burrow protection and maintenance methods; and timing of BUOW burrow installation/construction.</p> <p>Once the BUOW Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact Permittees to discuss needed updates. Any proposed changes to the BUOW Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved in writing by CDFW prior to the implementation of any proposed modifications.</p>	<p>ITP Condition # 7.18</p>	<p>No more than 120 calendar days after beginning Covered Activities</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Pre-Construction Surveys and Reporting</u>. The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known, and/or nesting burrows (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) within 30 calendar days prior to beginning Covered Activities in each discreet portion of the Project Area or phase. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct work area(s) within the Project Area), unless otherwise approved in advance and in writing by CDFW. If the Designated Biologist identifies any known or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval <u>BUOW Burrow Blockage</u> and <u>BUOW Burrow Excavation</u> unless avoided per Condition of Approval <u>BUOW Burrow Avoidance</u>. Permittee shall provide the pre-construction survey results with a Burrow Map (see Condition of Approval <u>Burrow Map</u>) in a written report to CDFW's Regional Representative at least five calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).</p>	<p>ITP Condition # 7.19</p>	<p>No more than 30 calendar days prior to beginning Covered Activities</p>	<p>Designated Biologist(s)</p>	
<p><u>Burrow Map</u>. The Designated Biologist shall provide a KMZ map to CDFW of all known and/or nesting BUOW burrows found during the surveys performed per the Condition of Approval <u>BUOW Pre-Construction Surveys and Reporting</u>. The map shall show details and locations of all BUOW sightings and known and nesting BUOW burrows as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.</p>	<p>ITP Condition # 7.20</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Designated Biologist(s)</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><b>BUOW Burrow Avoidance.</b> The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:</p> <ul style="list-style-type: none"> <li>• If a <u>known BUOW burrow</u> (a burrow that shows evidence of current or past use or is known to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area).</li> <li>• If a <u>nesting BUOW burrow</u> used for nesting (e.g. known BUOW burrow with indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area, the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow.</li> </ul> <p>If BUOW burrows cannot be avoided as described above, then the Permittee shall follow Conditions of Approval <u>BUOW Burrow Blockage</u>, <u>BUOW Burrow Excavation</u>, and <u>BUOW Mortality Reduction Plan</u> as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.</p> <p>The buffers prescribed above shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist determines that specific Covered Activities are not likely to affect a specific BUOW using a known or nesting BUOW burrow due to the nature of the specific Covered Activities, and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the nest, then the Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.</p>	<p>ITP Condition # 7.21</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire Project</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Burrow Excavation</u>. The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval <u>BUOW Burrow Avoidance</u> and that are within the footprint of ground-disturbing activities. 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 to obtain written guidance from CDFW before proceeding with burrow destruction. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and the BUOW(s) is/are no longer using the burrow.</p> <ul style="list-style-type: none"> <li>• Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after 4 consecutive 24-hour periods of monitoring with wildlife cameras. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside.</li> <li>• BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and then only after written concurrence from CDFW.</li> </ul>	<p>ITP Condition # 7.22</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire Project</p>	<p>Designated Biologist(s), and Designated Monitor(s)</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Burrow Blockage</u>. Where CDFW has approved a buffer reduction, the Permittee may block rather than destroy any known BUOW Burrow located within the buffer distances prescribed by Condition of Approval <u>BUOW Burrow Avoidance</u>, but outside the discrete ground-disturbing Project Area(s). Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has surveyed in accordance with BUOW Condition of Approval Burrow Avoidance. BUOW nest burrows shall not be blocked until the chicks and adults have vacated the burrow and then only after biological and wildlife camera monitoring confirm that the chicks have fledged, and are no longer dependent on the nest, and then only after written concurrence from CDFW. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist or Designated Monitor at least once a week to ensure that the exclusion material is still intact. If BUOW regains access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.</p>	ITP Condition # 7.23	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
<p><u>O&amp;M Covered Activities Requirement</u>. Permittee shall implement all Conditions of Approval <u>General Provisions</u> and <u>Monitoring, Notification and Reporting Provisions</u> of the ITP for all O&amp;M ground and vegetation disturbing Covered Activities as applicable.</p>	ITP Condition # 7.24	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities Designated Biologist(s) or Designated Monitor(s) On-site</u>. The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.</p>	ITP Condition # 7.25	O&M ground and vegetation disturbing Covered Activities	Designated Biologist(s) or Designated Monitor(s)	
<p><u>O&amp;M Covered Activities Work Hours</u>. Permittee shall confine any O&amp;M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&amp;M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or species specific take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.</p>	ITP Condition # 7.26	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities Vehicle Parking</u>. During all O&amp;M Covered Activities, Permittee shall not allow vehicles to park on top of potential Covered Species dens, burrows, or nest burrows. Vehicles left overnight shall not be located within the applicable avoidance distances as defined in Conditions of Approval <u>SJKF Den Avoidance</u>, <u>SWHA Nest Buffers</u>, and <u>BUOW Burrow Avoidance</u>.</p>	ITP Condition # 7.27	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Phase Vehicle and Equipment Inspection</u>. During the O&amp;M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of the ITP.</p>	ITP Condition # 7.28	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Phase Permanent Security Fence Inspection</u>. During the O&amp;M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the <u>Permanent Security Fencing Plan</u>.</p>	ITP Condition # 7.29	O&M ground and vegetation disturbing Covered Activities	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>O&amp;M Covered Activities Pipes and Materials Inspection.</u> Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. Workers shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, the Designated Biologist shall be contacted, and that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.</p>	ITP Condition # 7.30	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities Covered Species Observations.</u> During all O&amp;M Covered Activities within the Project Area, workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord.</p>	ITP Condition # 7.31	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Vegetation Maintenance.</u> Permittee shall maintain vegetation on site to an average height conducive to use by Covered Species and their prey, generally a minimum of 4 inches and maximum 8 inches in height, and in accordance with Conditions of Approval <u>Herbicide Use and Dogs.</u> Fire roads/fire breaks, access roads, fence lines, O&amp;M buildings, the Project substation, BESS, and inverter stations may be maintained without vegetation. Permittee may request variations to this Condition of Approval by submitting a Vegetation Maintenance Plan to CDFW for review and written approval. A Vegetation Maintenance Plan must be approved in writing prior to implementing a variation.</p>	ITP Condition # 7.32	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities SJKF Den Avoidance.</u> Unless otherwise approved in writing by CDFW, if a potential, known, natal, potential natal, or atypical SJKF den (any subterranean hole, three inches or larger), is located within or near proposed O&amp;M work, SJKF den avoidance shall occur in accordance with Condition of Approval <u>SJKF Den Avoidance</u> prior to conducting ground- or vegetation-disturbing O&amp;M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval <u>SJKF Den Blockage</u> or <u>SJKF Den Excavation</u>, and <u>SJKF Den Replacement Plan</u> as appropriate.</p>	ITP Condition # 7.33	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>O&amp;M Covered Activities BUOW Burrow Avoidance.</u> Unless otherwise approved in writing by CDFW, if a known or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval <u>BUOW Burrow Avoidance</u> prior to conducting ground- or vegetation-disturbing O&amp;M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval <u>BUOW Burrow Blockage and BUOW Excavation</u>, <u>BUOW Burrow Mortality Reduction Plan</u>, and <u>BUOW Artificial Burrow Replacement Plan</u> as appropriate.</p>	ITP Condition # 7.34	O&M ground and vegetation disturbing Covered Activities	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>O&amp;M Covered Activities SWHA Nest Avoidance.</u> Unless otherwise approved in writing by CDFW, the Designated Biologist(s) shall follow Condition of Approval <u>SWHA Nest Buffers</u> during the nesting season (February 15 through September 15). If an active nest is abandoned or a SWHA is injured, the Designated Biologist(s) shall follow the CDFW approved <u>SWHA Nest Abandonment Contingency Plan</u> and Condition of Approval <u>SWHA Injury</u> as applicable.</p>	ITP Condition # 7.35	O&M ground and vegetation disturbing Covered Activities	Designated Biologist(s)	
<p><u>O&amp;M Covered Activities Covered Species Injury.</u> If a Covered Species is injured as a result of conducting O&amp;M Covered Activities, or otherwise found injured in the Project Area, the Designated Biologist shall immediately take the Covered Species to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting O&amp;M Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report within two days calendar days of the incident as described in Condition of Approval <u>Covered Species Injury</u>.</p>	ITP Condition # 7.36	O&M ground and vegetation disturbing Covered Activities	Permittee	
<p><u>Habitat Management Land Acquisition.</u> CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall provide for both the permanent protection and management of a specific 2,048 acre-area of Habitat Management (HM) lands (Proposed HM Lands) located on the south side of Los Banos Reservoir (Figure 3) pursuant to Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> and the calculation and deposit of the management funds pursuant to Condition of Approval <u>Endowment Fund</u>. Permittee has requested and CDFW approved the permanent protection and the perpetual management of 2081.50-acre HM lands. Of the full acreage protected via recordation of a Conservation Easement , only 2000.35 acres fulfills the HM Land Acquisition requirement due to title encumbrances. However, the perpetual monitoring and management of a 75-acre partial parcel (APN 088-040-029) previously recorded under a separate conservation easement granted to CDFW and recorded December 8, 1999, in the Official Records of Merced County, California, at Book 3948, Page 316, and perpetual management of an adjacent 378-acre parcel (APN 088-040-030) previously recorded under a separate conservation easement granted to CDFW and recorded March 7, 1997, in the Official Records of Merced County, California at Book 3581, Pages 239-249 (Quitclaim 234-238) (collectively, the Salt Creek Conservation Easement) was included as a part of the package to fulfill the remaining acreage required. These two protected areas (totaling 453 acres) are currently underfunded for perpetual monitoring and management and the Permittee's inclusion of these areas in the Proposed HM Lands provides value. The Proposed HM Lands, Salt Creek Conservation Easement, and the adjacent 86.31-acre Los Banos Creek Conservation Easement (where both the latter total 539.31 acres) will provide habitat connectivity and protection in perpetuity on a portion of a SJKF movement corridor. This movement corridor will contribute to a permanently conserved area of connectivity from the</p>	ITP Condition # 8	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>Salt Creek area south of Los Banos Reservoir to the Simon-Newman Ranch (Constable et al. 2009), enhancing connections of conservation land (USFWS 1998). Protection of this movement corridor is an essential element of the Proposed HM Lands, as it provides compensatory mitigation that is commensurate with the Project's impact to a similar SJKF movement corridor at the SR 152 and Interstate 5 interchange. Should conservation of the Proposed HM Lands be infeasible, Permittee shall ensure that an alternative 2,048 acres (not including roads, utility easements, etc.) of HM Lands are provided which are comparable or better in habitat quality than the these specific lands depicted in Figure 3, including being occupied by the Covered Species and conserving an important north-south SJKF movement corridor in the northern part of the SJKF range.</p> <p>The permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided pursuant to the Condition of Approval <u>Security</u>, for all uncompleted obligations.</p>				
<p><u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> <li>1.1.1. Land acquisition costs for HM lands identified in Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u>, estimated at \$5,000/acre for 2,048 acres: <b>\$10,240,000.00</b>. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</li> <li>1.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Conditions of Approval <u>Fee Title</u> and <u>Conservation Easement</u> estimated at: <b>\$541,100.00</b>;</li> <li>1.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Condition of Approval <u>Start-up Activities</u>, estimated at: <b>\$577,881.25</b>;</li> <li>1.1.4. Interim management period funding as described in the Condition of Approval <u>Interim Management (Initial and Capital)</u>, estimated at: <b>\$198,996.55</b>;</li> <li>1.1.5. Long-term management funding as described in the Condition of Approval <u>Endowment Fund</u>: <b>\$1,903,523.75</b>. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</li> </ul>	<p>ITP Condition # 8.1</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>1.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Condition of Approval <u>Reimburse CDFW</u>, estimated at: <b>\$13,600.00</b>.</p> <p>1.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work estimated at: <b>\$45,479.00</b>.</p>				
<p><u>Habitat Management Lands Acquisition and Protection</u>. Permittee shall:</p> <p>1.1.1. <u>Fee Title</u>. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended;</p> <p>1.1.2. <u>Conservation Easement</u>. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement;</p>	<p>ITP Condition # 8.2</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>1.1.3. <u>HM Lands Approval.</u> Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p>				
<p>1.1.4. <u>HM Lands Documentation.</u> Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</p>				
<p>1.1.5. <u>Land Manager.</u> Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion;</p>				
<p>1.1.6. <u>Start-up Activities.</u> Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) developing and transferring Geographic Information Systems (GIS) data if applicable; (3) establishing initial fencing; (4) conducting litter removal; (5) conducting initial habitat restoration or enhancement, if applicable; and (6) installing signage;</p>				
<p>1.1.7. <u>Interim Management (Initial and Capital).</u> Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the</p>				

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management;</p> <p>Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>				
<p><u>Endowment Fund.</u> If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the ITP, the conservation easement, and the management plan required by the Condition of Approval <u>Land Manager</u>. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions, and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 8.3	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittee	
<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's</p>	ITP Condition # 8.3.1	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>certification pursuant to Government Code section 65968(e).                      Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>				
<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p> <p>1.1.1.1. <u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p> <p>1.1.1.2. <u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>1.1.1.2.1. <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>1.1.1.2.2. <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>1.1.1.2.3. <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p>	<p>ITP                      Condition                      # 8.3.2</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	<p>ITP Condition # 8.3.3</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	
<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	<p>ITP Condition # 8.3.4</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	
<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of the ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	<p>ITP Condition # 8.4</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	
<p><b>Security:</b> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by the Condition of Approval <u>Habitat Management Land Acquisition</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>1.2. <u>Security Amount.</u> The Security shall be in the amount of <b>\$13,520,580.60</b> or in the amount identified in the Condition of Approval <u>Cost Estimates</u> specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the Condition of Approval <u>Cost Estimates</u>, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p>	<p>ITP Condition # 9</p>	<p>Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided</p>	<p>Permittee</p>	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>1.3. <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>1.4. <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin.</p> <p>1.5. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>1.6. <u>Security Transmittal</u>. Permittees shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p>1.7. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.</p> <p>1.8. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements; and</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment</li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>				

ATTACHMENT 2

Biologist Resume Form





Department of Fish and Wildlife

**BIOLOGIST RESUME FORM**

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

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

**SECTION I. NAME AND CONTACT INFORMATION**

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

**SECTION II. EDUCATION**

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

**SECTION III. ROLE(S) AND PERMIT REQUIREMENTS**

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions <sup>2</sup> :	

**SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY**

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

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

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

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

**SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS**

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

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

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

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

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

<sup>7</sup> CNDDDB is the abbreviation for California Natural Diversity Database.

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

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

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

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

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

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

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

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

ATTACHMENT 3  
Letter of Credit Form

### Attachment 3

**[Financial institution letterhead]**

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

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Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Post Office Box 944209  
Sacramento, CA 94244-2090  
Attn: HCPB Contract Coordinator

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

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

Dear Sirs:

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

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

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

Conservation Planning Branch, Post Office Box 944209, Sacramento, CA 94244-2090, Attn: HCPB Contract Coordinator; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

**[Name of financial institution]**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_

ATTACHMENT A

CERTIFICATE FOR DRAWING

**[CDFW Letterhead]**

**[Date]**

**[Name and address of financial institution]**

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

**[CDFW Letterhead]**

**[Date]**

**[Name and address of financial institution]**

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT 4

Amended and Restated with Track Changes

**Attachment 4**

Amended and Restated with Track Changes  
 Amended Incidental Take Permit No. 2081-2023-008-04  
 (Major Amendment No. 1)

**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:** EDP Renewables California Solar Park III, LLC  
**Principal Officer:** Gabriel Yamal, Executive Vice President  
**Contact Person:** Patrick Cousineau, 971-219-6702  
**Mailing Address:** 1501 KcKinney Street, Suite 1300  
 Houston, Texas 77010

**II. Amended ITP<sup>3</sup> Background:**

On August 8, 2025, CDFW issued the original ITP No. 2081-2023-008-04 to EDP Renewables California Solar Park III, LLC, authorizing take of San Joaquin kit fox (*Vulpes macrotis mutica*), Swainson’s hawk (*Buteo swainsoni*), and western burrowing owl (*Athene cunicularia hypuqaea*) (Covered Species) associated with and incidental to the Las Camas Solar Project in Merced County, California (Project). The Project as described in the ITP as originally issued by CDFW included construction, operation, and maintenance of a 200-megawatt (MW) alternating current (AC) ground-mounted solar photovoltaic (PV) power plant. In issuing the ITP, CDFW found, among other things, that compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

On February 2<sup>nd</sup>, 2026, CDFW received an amendment request from the Permittee requesting Project modifications. These modifications include an added parcel, vegetative screening, fire breaks, a new access road, and removing the gen-tie construction that would connect to the Pacific Gas and Electric (PG&E) substation. The modifications also include refinements to the original layout and configuration of solar equipment and array blocks within the 1,269-acre Project site to avoid adding

<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.

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

additional acres of impact. Construction activities have not yet commenced at the time of issuance of this Major Amendment No. 1.

CDFW now reissues this ITP (the Amended ITP). The Amended ITP includes all of the operative provisions as of the reissue date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this major amendment (Amendment No. 1).

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

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2062**.

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.

**IV. Project Location:**

The Las Camas Solar Facility Project (Project) area is located in western Merced County, approximately three miles south of Santa Nella, California, and is bordered by State Route (SR) 33 and SR 152 to the north, Interstate 5 to the east, the CDFW owned Jasper Sears Mitigation Parcels to the west, and privately owned farmland and the Billy Wright Landfill to the south and west (Figure 1). The

Project area can be accessed via Billy Wright Road off of SR 33/SR 152. The San Luis Reservoir is approximately three miles west and the Lost Banos Creek Reservoir is approximately five miles south.

**V. Project Description:**

The Project includes construction, operation, and maintenance of a 200-megawatt (MW) alternating current (AC) ground-mounted solar photovoltaic (PV) power plant (Figure 2). A ~~20-100 MW/80-MWh~~ (direct current) DC-coupled or AC-coupled battery energy storage system (BESS) will accompany the Project. ~~The Project will have one above ground generation tie (gen tie) line connecting the Project's substation to the Project's point of interconnection at Pacific Gas & Electric's (PG&E's) Los Banos substation. The gen tie line will be a 230-kV line approximately 0.4 mile long. Construction of the gen tie line will occur on private lands within the Project area and on property owned by PG&E surrounding the Los Banos substation.~~ The Project includes 500-foot-wide corridors, following delineated utility easements, specifically designed to facilitate San Joaquin kit fox and wildlife north-south movement through the Project (Figure 2). The maximum Project footprint will be approximately 1,269 acres, including staging areas and access roads.

The Project components will include access roads, solar PV panels, single-axis trackers, DC to AC power collection wires and electrical inverters, lithium-ion ~~batteries in either a DC-coupled or an AC-coupled battery energy storage system (BESS)~~, battery enclosures, a solar project substation, vegetative screen, fire break, a 230-kV gen tie line, and a supervisory control and data acquisition (SCADA) system. ~~The Project and ITP do not include PG&E's substation improvements or maintenance~~

~~of the overhead gen-tie line or related activities; PG&E would be responsible for obtaining all necessary permitting.~~

### **Schedule**

Construction of the Project will take place in multiple phases and is expected to take a total of 14 months to complete.

### **Construction**

The Project construction activities include the following:

- **Grading Activities and Compaction.** Due to the relatively flat topography on the site, minimal grading is expected. Grading will include earthwork, cut and engineered fill, and compaction and will occur in needed areas to achieve a 5-15% maximum slope for north and south aspects. To support dust suppression, roads and work areas will be periodically sprayed with water.
- **Site Access and Construction Staging.** Site access, perimeter, and interior roads will be surfaced with native material and/or aggregate and will be maintained to facilitate onsite circulation for emergency vehicles during all weather conditions. After construction of the solar infrastructure, larger site entrances and staging areas built to accommodate the turning radii of construction equipment trailers will be removed, while regular entrances and roads will remain.
- **Equipment Installation.** Following site grading and preparation, steel support piles will be driven into the ground for the solar PV panels and trackers installation. Trenches will be excavated for underground medium voltage collection cables for connection to the solar inverters, storage inverters or converters, the BESS, and ultimately the substation.
- **Solar PV Panels and Trackers.** The Project will install 440-watt and/or 550-watt (or similar) bi-facial solar PV modules. Approximately 480,000 (8 by 10-foot) panels would be installed. The PV panels would be self-contained durably constructed units designed for the operational life of the Project. To support the PV panels, a single-axis tracking system will be utilized on the steel support piles, and will be constructed to mount the panels approximately 5 feet off the ground. The single-axis tracking systems are supported by metal piers driven into the ground by a pile-driving machine. The panels are expected to be constructed of bifacial modules.
- **Solar Inverters.** The DC electricity produced by the PV panels will travel along wires attached to the racks and will connect to power inverters. The inverters will be mounted on concrete blocks distributed throughout the Project area.

- Power Conditioning System and Inverters. Power Conditioning System (PCS) consisting of power inverters, medium voltage transformers, and auxiliary power systems for the trackers will be distributed through the solar arrays. DC cables from the tracker to the PCS will be buried to a depth of approximately 48 inches.
- BESS. The BESS will be constructed using lithium-ion batteries and will either be distributed throughout the solar arrays (approximately 43 locations), co-located with the inverters with shared solar collection wires and electrical converters, or they will be aggregated within an approximately 5 acrea single 8 foot by 50 foot BESS at the AC alternative storage area near the western central portion of the Project area.
- Project Substation. The Project substation will be located along the western perimeter of the Project area approximately 1,000 feet south of the northern property line. The footprint of the substation will be approximately 1.7 acres. The substation base will consist of aggregate material. However, various substation equipment will require shallow foundations (4 to 6 inches deep) supported with bolt cages (foundation anchors) filled with concrete. Concrete pads will also be installed for some substation equipment such as the main power transformer.
- ~~Gen Tie Line. An overhead electrical gen tie line (transmission line) will connect the Project to PG&E's Los Banos substation approximately 0.4 miles from the Project area. The gen tie line will be composed of a span of three conductors (transmission wires) between the project substation towers and the adjacent switching station towers. The tower structures on both sides of the facilities will also carry a fiber communications system between the control rooms of the facilities. The line will be constructed consistent with design recommendations under the Avian Power Line Interaction Committee (APLIC) to minimize risk of electrocution of large birds. While the APLIC guidelines recommend phase to phase and phase to ground separations of at least 60 inches, this distance will be increased to 66 inches for the project to minimize/avoid the potential for California condor (*Gymnogyps californianus*) wing contact electrocution. The dead end structures on both sides of the facilities will also carry a fiber communications system between the control rooms of the facilities. Five structures will be installed to support the gen tie line, with four occurring outside the solar project footprint. A 10 foot by 10 foot permanent disturbance area and 50 foot by 50 foot temporary disturbance area will be established around each gen tie structure. Access along the gen tie corridor will be by overland travel through the existing utility easements.~~
- Fence Design and Site Security. The facility will be secured with a 6 to 10-foot-high chain link fence topped with barbed wire along the perimeter and will have a 4 to 6-inch gap between the bottom of the fence and the ground, designed to allow small animal wildlife passage. Perimeter fencing, installed around the solar arrays, will preclude the use of the solar array

areas by large ungulates, such as elk, however dedicated passage for large animals through the Project areas will be feasible by way of the existing utility easements (see Figures 1 and 2).

- Lighting. The site boundary fencing will not have perimeter lighting. Lighting will be installed for ongoing maintenance and security purposes with low-level security and wayfinding lighting installed at the entrance gates. Lighting will also be installed at the Project’s substation. All Project lighting will be used from dusk to dawn and will be shielded and directed downwards to minimize light impacts to nearby properties. Project lighting will conform to the National Electric Safety Code (NESC) requirements and all applicable County outdoor lighting codes.
- SCADA. A SCADA system will be installed to provide control remotely of all components of the electrical system to the Project and grid operators. Physically, the system will be installed with the same series of fiber communication lines connecting points of the electrical system to the control room of the substation, where the fiber will terminate at servers of the operating system. The fiber will be co-located within the same trenches that accommodate the medium voltage collection lines. Fiber will also run from all the high voltage components that require monitoring, such as the breakers within the substation.
- Vegetative Screening. Vegetative screening will be installed outside of the solar facility’s fenceline between the northern boundary and SR-152. The vegetative screening will consist of evergreen California native trees and shrubs up to approximately 20 feet in height. A small excavator and tractor will be used to prepare the soil for planting by clearing existing vegetation within an approximately 20-foot-wide corridor. Discing will be required within the corridor to facilitate the planting. Small holes will be excavated to accommodate planting of seedlings and trees. It is expected that the vegetation planting activities will take approximately 3 months and will be performed during the late winter or early spring of 2027. Supplemental water may be required for the first several years until the plants can reach maturity. A water truck will be used to bring water to the site for the first several years, after which the plants are expected to persist on their own without supplemental water.
- Fire Breaks. A 20-foot-wide fire break will be installed along the southern portion of the solar facility. The fire break will be used by emergency vehicles to access the site, if necessary. The fire break will be surfaced with native soils, and vegetation will be maintained at a height of 4-6 inches. Portions of the firebreak will comprise existing roads, while other portions will occur outside of existing roads but within the Project’s permit area.

Operations and Maintenance (O&M)

O&M activities following construction of the Project will include the following:

- Personnel. Up to eight employees from off-site O&M facilities will visit the Project area daily to service and maintain the arrays.
- Facility Maintenance. Facility maintenance will include the periodic maintenance of solar panels, solar components, and the internal access road network. The level of vehicle activity entering and leaving the Project area during operation would be limited to scheduled and emergency maintenance visits and infrequent delivery vehicles. Scheduled Project maintenance would occur in the early evening or early morning hours to avoid interference with the Project's peak hours of generation. Emergency maintenance would occur at any time, as needed for the situation.
- Panel Washing. Panel washing would be expected to occur once a year. Deionized water would be transported by 4,000-gallon water trucks from off site and applied by robotic sprayers. Panel washing would occur for up to 20 business days over the course of a 30-day period, taking place during daylight hours.
- Vegetation Maintenance. Vegetation height will be maintained beneath the arrays. During the first 3 years of operation, control of invasive weeds may be done by herbicide application. Mowing will be utilized to keep vegetation low along the base of the solar panels and to manage the open areas of grassland. The Project site will be mowed at least once every 2 years, and spot-mowed as necessary to control fire risks. Mowing may occur more frequently, depending on rainfall and invasive weed distribution, and any required mowing regime that may result from a vegetation management plan. Sheep grazing may be used as a means to control vegetation between mowing or as an alternative to mowing.

Heavy equipment and vehicles used for the Project will include, haul trucks, pile drivers, bulldozers, tractors, loaders, concrete trucks, fork lifts, cranes, jetting and vacuum trucks, dump trucks, excavators, road graders, scrapers, skid steers, portable compactors, drill seeders, rollers, boom trucks, and water trucks.

**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>4</sup>
1. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> , SJKF)	Threatened <sup>5</sup>
2. Swainson’s hawk ( <i>Buteo swainsoni</i> , SWHA)	Threatened <sup>6</sup>
3. Western burrowing owl ( <i>Athene cunicularia hypugaea</i> , BUOW)	Candidate <sup>7</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. The activities described above expected to result in incidental take of individuals of the Covered Species include: operation of construction equipment; clearing, grubbing, discing, and grading; removing vegetation and/or mowing during construction or operations; cut/fill activities; trenching for underground conduit; excavation and leveling earthwork for Project facilities and components; backfilling and compacting of soil; construction and use of internal and perimeter roads, temporary staging, and storage areas; installation and maintenance of project equipment and facilities; installation of temporary and/or permanent lighting fixtures; installation and modification of temporary and permanent fencing; placement of concrete and/or asphalt for structural foundations, battery storage, inverters, and transformers; installation of solar panel, supports, and mount systems; installation of transmission lines and poles; installation of the SCADA system; transporting construction materials; site access road maintenance; PV module cleaning/washing; replacement of equipment as needed (e.g. inverters); vegetation management; handling, salvaging, and otherwise capturing Covered Species in order to relocate, translocate, or rehabilitate injured individuals; and other Project-related activities described in the Project Description section of this ITP (collectively referred to as Covered Activities).

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

<sup>4</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>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).

<sup>6</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(A).

<sup>7</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 and ground vibration that could cause individuals to leave burrows at inappropriate times increasing stress, overheating, and exposure to predation.

Incidental take of individuals of the Covered Species in the form of pursue, catch, capture, or attempt to do so may occur as a result of Covered Activities by entrapment of Covered Species in trenches or excavations, corralling of species by installation of species exclusion fencing, eggs or individuals salvaged after parental nest or den abandonment, direct impacts to foraging and nesting/denning habitat, and with implementation of other take minimization measures required by this ITP. These direct impact activities may reduce the viability of eggs and/or survival of Covered Species or affect migrating individuals. These direct impacts may also affect the fitness of young raised in close proximity to the Project due to reduced or disrupted foraging opportunities that reduce the ability of parents to acquire food for their dependent young. Ground-disturbing activities may result in a temporary reduction of prey species for Covered Species and have impacts on nesting success and successful raising of young.

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

The Project is expected to cause impacts to 1,269 acres of grassland habitat for the Covered Species.

Incidental take of individuals of the Covered Species in the form of indirect adverse impacts may occur as a result of temporal habitat losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts. These short-term and long-term indirect adverse impacts include: stress resulting from noise and vibrations and capture and relocation, increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation; construction, operations, and maintenance activities such as increased vehicle traffic, noise, and lighting; ground vibration; fugitive dust; habitat loss and degradation; habitat modification or changes in vegetation that could result in a change in preferred forage; and altered behavior resulting from Project disturbance in occupied habitat including physiological and behavioral disruptions that could interfere with denning, nesting, foraging, and reproduction.

**VI-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.

**VIII-IX. Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2021080196) certified by Merced County on March 11, 2025, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in any incidental take permit that will be issued for the Project pursuant to the Federal Endangered Species Act (ESA), unless those terms and conditions are less protective of the Covered Species or otherwise conflict with the conditions of this ITP. In those instances, the Conditions of Approval set forth in this ITP shall control.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

**5. General Provisions:**

- 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative’s name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist(s) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist, Designated Monitor) and the requested species for that role. The qualifications/resume information shall be limited to verifiable experience specific to the requested species and

shall include the name and contact information of a reference that can verify the stated experience. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s) and Designated Monitor(s) meet the requirements described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP.

Permittee shall ensure that the Designated Biologist(s) for SJKF and BUOW is knowledgeable and has experience with the biology, natural history, surveying, positive field identification, construction monitoring of a project covered by an ITP for the requested Covered Species, installation of one-way doors or other exclusion techniques, camera monitoring of burrows, burrow excavation, and all other activities permitted for the role as described in this ITP.

Permittee shall ensure that the Designated Biologist(s) for SWHA is knowledgeable and has experience with the biology, natural history, monitoring of active nests through entire nesting cycles, protocol surveying, positive field identification, construction monitoring of a project covered by an ITP for this Covered Species, and all other activities permitted for this role as described in this ITP.

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

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

- 5.3. Designated Biologist(s) and Designated Monitor(s) Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) or Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they shall notify CDFW immediately in accordance with the Condition of Approval CDFW Notification and Report Submittal. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality

agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before conducting any work. The program shall consist of a presentation from the Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP.

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

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

- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.

- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum

amount needed and shall not allow water to form puddles. Dust palliatives or other soil stabilizers shall not be used during construction or O&M activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. Permittee shall not apply dust suppressant, surfactant, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.

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

any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.

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

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

- 5.18. Dogs. Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing. CDFW may approve on a case by case basis, the use of herding dogs for the purpose of sheep grazing for vegetation maintenance, or other similar need, when under the direct supervision of the handler. The use of guardian dogs will not be approved.
- 5.19. Wildfire Avoidance. Permittee or Permittee’s contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the Condition of Approval Education Program.
- 5.20. Permanent Security Fencing Plan. Permittee or Permittee’s contractor shall develop and submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative identified in the Condition of Approval CDFW Notification and Report Submittal.

The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing shall be modified for wildlife permeability by lifting or knuckling under to allow a gap from the ground to the bottom of the fence, between 4 and 6 inches, or other design approved by CDFW, to allow for SJKF permeability and use of the Project Area once construction activities are completed. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.

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

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW before starting construction phase Covered Activities and O&M phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting either phase.
- 6.2. Notification of Non-compliance. The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW

describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

**6.3. Compliance Monitoring.** The SJKF and BUOW Designated Biologist(s) shall be on-site daily while the SWHA Designated Biologist shall be on-site daily only if within a .25 mile of an occupied SWHA nest per Condition of Approval SWHA Nest(s) Monitoring, for the duration of each day when Construction Covered Activities or vegetation- or ground-disturbing O&M Covered Activities occur. The SJKF and BUOW Designated Biologist(s) shall also be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night while the SWHA Designated Biologist shall be on-site for these Covered Activities only if within a .25 mile of an occupied SWHA nest per Condition of Approval SWHA Nest(s) Monitoring. Ground- and vegetation-disturbing activities include any action that modifies the existing ground or vegetated surface. Examples include the use of string trimmers, mowing, panel washing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a ground- or vegetation-disturbing activity. The Designated Biologist or Designated Monitor shall conduct compliance inspections a minimum of once every 14 days during Construction Phase periods of inactivity, after clearing, grubbing, and grading are completed for the entire Project Area. Until completion of Construction Phase Covered Activities and during active construction, the Designated Biologist(s) and/or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:

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

**6.4. CDFW Notification and Report Submittal.** All Notifications and Reports required by this ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's issuance, the CDFW Regional Representative is Jim Vang ([Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)), Regional Office ([RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)), and Headquarters

CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). If requested, hard copies may be mailed to the CDFW offices listed in the **Notices** section of this ITP.

- 6.5. Quarterly Compliance Report (Construction Phase).** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring, described above, into a Quarterly Compliance Report during the construction phase only and submit to CDFW per Condition of Approval CDFW Notification and Report Submittal no later than the 15<sup>th</sup> day of the month following the reporting period. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.6. Annual Status Report (Construction Phase and O&M Phase).** Permittee shall provide CDFW with an Annual Status Report during the construction phase and O&M phase no later than January 31 of every year, for the previous calendar year (Reporting Period), beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report, identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in Condition of Approval CDFW Notification and Report Submittal. Each Annual Status Report shall include, at a minimum:
- (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the construction phase;
  - (2) a record of the Education Program training sessions provided over the Reporting Period;
  - (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period;
  - (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;
  - (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their den, burrow, or nest, was encountered; location, if avoidance was achieved, and if not, what measures were implemented;
  - (6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts;
  - (7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; and

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

- 6.7. Emergency Nightwork.** Permittees shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the Annual Status Report.
- 6.8. CNDDDB Observations.** The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.
- During the Construction phase, the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation.
  - During the O&M phase, the Designated Biologist shall include copies of the submitted forms with the next Annual Status Report.
- 6.9. Construction Phase Conditions of Approval Evaluation Report.** No later than 45 days after completion of all construction activities for the solar array development area ~~and gen-tie line~~, Permittee shall provide CDFW with a Construction Phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the direction provided in Condition of Approval CDFW Notification and Report Submittal.

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

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

**6.10. Final Mitigation Report.** No later than 45 calendar days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum:

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

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

**6.12. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) Designated Representative shall provide initial notification to CDFW via email to the Regional Office at [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days following the directions provided in Condition of Approval CDFW

Notification and Report Submittal. 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, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.

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

**Construction Phase Covered Activities Take Minimization Measures**

**7.1. Work Hours.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:

- (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized;
- (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention;
- (3) security patrols, and
- (4) refueling equipment and staging material and equipment.

Permittee shall ensure:

- (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species;
- (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and
- (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.

**7.2. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or nest burrows except within designated staging areas for which dens or burrows have been excavated per the Conditions of Approval SJKF Den Excavation and/or BUOW Burrow Excavation. Vehicles left overnight shall be located outside of the applicable avoidance distances as defined in Conditions of Approval SJKF Den Avoidance, SWHA Nest Buffers, and BUOW Burrow Avoidance.

**7.3. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a

Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may move the Covered Species out of harm's way as authorized in this ITP and in compliance with Conditions of Approval SHWA Nest Abandonment Contingency Plan and/or BUOW Mortality Reduction Plan, as applicable.

- 7.4. Pipe and Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of three inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move the Covered Species out of harm's way as authorized in this ITP and in compliance with Conditions of Approval SHWA Nest Abandonment Contingency Plan and/or BUOW Mortality Reduction Plan, as applicable.
- 7.5. Excavation Inspection.** The Designated Biologist(s) or Designated Monitor(s) shall inspect all trenches, open holes, and other excavations (collectively, Excavations) within the Project Area at the beginning and end of each day for trapped animals. If the Excavations have slopes less steep than 1:1, are covered as described below, or have escape ramps as described below, these checks can be reduced to immediately before Excavations are backfilled, during workdays, and after rain events that could wash out escape ramps.
- **Cover:** Unless inspected daily, all Excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the Excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope as described below. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Designated Monitor(s) shall oversee the covering of all such Excavations with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the Excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and shall be secured with soil staples or similar means to prevent gaps. The Designated Biologist(s) or Designated Monitor(s) shall also thoroughly inspect any Excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.
  - **Escape Ramp:** As an alternative to covering, all Excavations may have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All

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

- 7.6. Covered Species Observations.** All workers shall inform the Designated Biologist(s) if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord or until the Designated Biologist moves the individual out of harm's way as authorized in this ITP and in compliance with Conditions of Approval SHWA Nest Abandonment Contingency Plan and BUOW Mortality Reduction Plan.
- 7.7. Covered Species Injury.** If an egg, juvenile, or adult Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by phone and e-mail followed by a written incident report as described in the Condition of Approval Notification of Take of Injury and shall include the name of the facility where the animal was taken. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If a Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

***San Joaquin Kit Fox-Specific Take Minimization Measures:***

- 7.8. SJKF Pre-Construction Surveys and Reporting.** No more than 30 calendar days prior to beginning Covered Activities in each discreet work area, the Designated Biologist(s) shall conduct pre-construction surveys for SJKF to identify potential, known and/or natal SJKF dens and shall identify, flag, and map all such dens. Surveys shall include the entire Project Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct work area(s) within the Project Area), unless otherwise approved in writing by CDFW. If the Designated Biologist identifies any potential, known, and/or natal SJKF dens, the den(s) shall be monitored following the Conditions of Approval SJKF Den Blockage and SJKF Den Excavation unless avoided per Condition of Approval SJKF Den Avoidance. Permittee shall provide the pre-construction survey results in a written report in accordance with Condition of Approval CDFW Notification and Report Submittal at least five calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date and time of the survey(s), results, and location map and discussion of each potential, known, and/or natal SJKF den identified.

**7.9. SJKF Den Avoidance.** The Permittee shall notify USFWS and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish no-disturbance buffer zones according to the following guidelines:

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

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

**7.10. SJKF Den Blockage.** The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval SJKF Den Avoidance, but outside the discrete ground-disturbing Project Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF is not currently present. The wildlife camera types used for camera monitoring should be chosen at the discretion of the approved SJKF Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from CDFW. Den blockage shall be done in a

manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or if SJKF regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.

- 7.11. SJKF Den Excavation.** Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed immediately after the Designated Biologist(s) has conducted four consecutive days of monitoring with tracking medium or wildlife camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den shall be accomplished by careful excavation, which may be assisted by mechanical means, until it is certain no individuals of SJKF are inside. Dens (atypical, known, natal, and potential natal dens) to be destroyed shall be fully excavated by the Designated Biologist(s) or by the Designated Monitor(s) under direct supervision of the Designated Biologist(s). A potential den may be independently excavated by a Designated Monitor(s) only if a Designated Biologist has first confirmed that the subterranean hole, three inches or larger, has no evidence (SJKF scat, tracks, prey remains, “keyhole shape” burrow entrance, etc.) present to conclude that the den is being used or has been used by a SJKF. Following excavation, dens shall be filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction phase. If an individual SJKF does not vacate a den within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from CDFW prior to proceeding with den destruction.
- 7.12. SJKF Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 14 calendar days before starting Covered Activities. Permittee shall replace each known and active SJKF den within the Project Area that cannot be avoided per Condition of Approval SJKF Den Avoidance with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW’s Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the

SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications.

***Swainson's Hawk-Specific Take Minimization Measures:***

- 7.13. SWHA Surveys.** The Designated Biologist shall conduct pre-construction surveys during the nesting season (February 15 through September 15) at and within 0.5-mile of the Project Area. The Designated Biologist or Designated Representative shall provide the survey results to CDFW in a written report no more than five days before beginning Covered Activities.
  
- 7.14. SWHA Nest(s) Monitoring.** If a nesting SWHA is located at or within 0.25-mile of the distinct work area(s) within the Project Area, the Designated Biologist(s) shall be present daily for the entire duration of any Covered Activities occurring during the nesting season (February 15 through September 15) and within 0.25-mile of the active nest, to monitor the behavior of the SWHA. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.
  
- 7.15. SWHA Nest Buffers.** The Permittee and Designated Biologist(s) shall ensure that no Covered Activities occur within 100 feet of a SWHA nest during the nesting season (February 15 through September 15). The 100-foot no-disturbance buffer shall not be reduced or otherwise modified without prior written CDFW approval. Worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking is prohibited within 1,000 feet of any SWHA nest.
  
- 7.16. SWHA Nest Abandonment Contingency Plan.** The Designated Biologist shall prepare a SWHA Nest Abandonment Contingency Plan and submit it to CDFW for written approval at least 14 days prior to the start of Covered Activities. The plan shall include, but not be limited to, identification of capture methods, handling methods, methods to return SWHA back into the wild, and the identification of a CDFW-approved wildlife rehabilitation center or veterinary facility. The Permittee shall fund the recovery and hacking (controlled release) of the SWHA nestlings. Once the SWHA Nest Abandonment Contingency Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the SWHA Nest Abandonment Contingency Plan

shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

**Burrowing Owl-Specific Take Minimization Measures**

**7.17. BUOW Mortality Reduction Plan.** The Designated Biologist shall prepare a BUOW Mortality Reduction Plan and submit it to CDFW for written approval at least 14 days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist, 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 Permittee to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

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

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

- 7.19. BUOW Pre-Construction Surveys and Reporting.** The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known, and/or nesting burrows (as defined in the Condition of Approval BUOW Burrow Avoidance) within 30 calendar days prior to beginning Covered Activities in each discreet portion of the Project Area or phase. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area (or distinct work area(s) within the Project Area), unless otherwise approved in advance and in writing by CDFW. If the Designated Biologist identifies any known or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval BUOW Burrow Blockage and BUOW Burrow Excavation unless avoided per Condition of Approval BUOW Burrow Avoidance. Permittee shall provide the pre-construction survey results with a Burrow Map (see Condition of Approval Burrow Map) in a written report to CDFW's Regional Representative at least five calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).
- 7.20. Burrow Map.** The Designated Biologist shall provide a KMZ map to CDFW of all known and/or nesting BUOW burrows found during the surveys performed per the Condition of Approval BUOW Pre-Construction Surveys and Reporting. The map shall show details and locations of all BUOW sightings and known and nesting BUOW burrows as defined in the Condition of Approval BUOW Burrow Avoidance. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.
- 7.21. BUOW Burrow Avoidance.** The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:
- If a known BUOW burrow (a burrow that shows evidence of current or past use or is known to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area).

- If a nesting BUOW burrow used for nesting (e.g. known BUOW burrow with indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area, the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow.

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

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

- 7.22. BUOW Burrow Excavation.** The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval BUOW Burrow Avoidance and that are within the footprint of ground-disturbing activities. 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 to obtain written guidance from CDFW before proceeding with burrow destruction. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and the BUOW(s) is/are no longer using the burrow.

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

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

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

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

- 7.25. O&M Covered Activities Designated Biologist(s) or Designated Monitor(s) On-site.** The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.
- 7.26. O&M Covered Activities Work Hours.** Permittee shall confine any O&M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or species specific take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.
- 7.27. O&M Covered Activities Vehicle Parking.** During all O&M Covered Activities, Permittee shall not allow vehicles to park on top of potential Covered Species dens, burrows, or nest burrows. Vehicles left overnight shall not be located within the applicable avoidance distances as defined in Conditions of Approval SJKF Den Avoidance, SWHA Nest Buffers, and BUOW Burrow Avoidance.
- 7.28. O&M Phase Vehicle and Equipment Inspection.** During the O&M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of this ITP.
- 7.29. O&M Phase Permanent Security Fence Inspection.** During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the Permanent Security Fencing Plan.
- 7.30. O&M Covered Activities Pipes and Materials Inspection.** Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. Workers shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, the Designated Biologist shall be contacted, and that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.

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

**7.32. O&M Vegetation Maintenance.** Permittee shall maintain vegetation on site to an average height conducive to use by Covered Species and their prey, generally a minimum of 4 inches and maximum 8 inches in height, and in accordance with Conditions of Approval Herbicide Use and Dogs. Fire roads/fire breaks, access roads, fence lines, O&M buildings, the Project substation, BESS, and inverter stations may be maintained without vegetation. Permittee may request variations to this Condition of Approval by submitting a Vegetation Maintenance Plan to CDFW for review and written approval. A Vegetation Maintenance Plan must be approved in writing prior to implementing a variation.

~~7.32.~~**7.33. O&M Covered Activities SJKF Den Avoidance.** Unless otherwise approved in writing by CDFW, if a potential, known, natal, potential natal, or atypical SJKF den (any subterranean hole, three inches or larger), is located within or near proposed O&M work, SJKF den avoidance shall occur in accordance with Condition of Approval SJKF Den Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval SJKF Den Blockage or SJKF Den Excavation, and SJKF Den Replacement Plan as appropriate.

~~7.33.~~**7.34. O&M Covered Activities BUOW Burrow Avoidance.** Unless otherwise approved in writing by CDFW, if a known or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval BUOW Burrow Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval BUOW Burrow Blockage and BUOW Excavation, BUOW Burrow Mortality Reduction Plan, and BUOW Artificial Burrow Replacement Plan as appropriate.

~~7.34.~~**7.35. O&M Covered Activities SWHA Nest Avoidance.** Unless otherwise approved in writing by CDFW, the Designated Biologist(s) shall follow Condition of Approval SWHA Nest Buffers during the nesting season (February 15 through September 15). If an active nest is abandoned or a SWHA is injured, the Designated Biologist(s) shall follow the CDFW approved SWHA Nest Abandonment Contingency Plan and Condition of Approval SWHA Injury as applicable.

~~7.35.~~**7.36. O&M Covered Activities Covered Species Injury.** If a Covered Species is injured as a result of conducting O&M Covered Activities, or otherwise found injured in the Project

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

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

To meet this requirement, the Permittee shall provide for both the permanent protection and management of a specific 2,048 acre-area of Habitat Management (HM) lands (Proposed HM Lands) located on the south side of Los Banos Reservoir (Figure 3) pursuant to Condition of Approval Habitat Management Lands Acquisition and Protection and the calculation and deposit of the management funds pursuant to Condition of Approval Endowment Fund. Permittee has requested and CDFW approved the permanent protection and the perpetual management of 2081.50-acre HM lands. Of the full acreage protected via recordation of a Conservation Easement ed, only 2000.35 acres fulfills the HM Land Acquisition requirement due to title encumbrances. However, the perpetual monitoring and management of a 75-acre partial parcel (APN 088-040-029) previously recorded under a separate conservation easement granted to CDFW and recorded December 8, 1999, in the Official Records of Merced County, California, at Book 3948, Page 316, and perpetual management of an adjacent 378-acre parcel (APN 088-040-030) previously recorded under a separate conservation easement granted to CDFW and recorded March 7, 1997, in the Official Records of Merced County, California at Book 3581, Pages 239-249 (Quitclaim 234-238) (collectively, the Salt Creek Conservation Easement) was included as a part of the package to fulfill the remaining acreage required. These two protected areas (totaling 453 acres) are currently underfunded for perpetual monitoring and management and the Permittee’s inclusion of these areas in the Proposed HM Lands provides value. The Proposed HM Lands total 2,081.5 acres, however multiple roads and utility easements exist on the property, leaving 2,048 acres of high-quality Covered Species habitat. These Proposed HM Lands, Salt Creek Conservation Easement, and the adjacent 86.31-acre Los Banos Creek Conservation Easement (where both the latter total 539.31 acres) will provide habitat connectivity between two other areas, totaling 545 acres, currently protected under conservation easement (Salt Creek Conservation Easement and Los Banos Creek Conservation Easement) and additionally will provide and protection in perpetuity on a portion of a SJKF movement corridor. This movement corridor will contribute to a permanently conserved area of connectivity from the Salt Creek area south of Los Banos

Reservoir to the Simon-Newman Ranch (Constable et al. 2009), enhancing connections of conservation land (USFWS 1998). Protection of this movement corridor is an essential element of the Proposed HM Lands, as it provides compensatory mitigation that is commensurate with the Project’s impact to a similar SJKF movement corridor at the SR 152 and Interstate 5 interchange. Should conservation of the Proposed HM Lands be infeasible, Permittee shall ensure that an alternative 2,048 acres (not including roads, utility easements, etc.) of HM Lands are provided which are comparable or better in habitat quality than the these specific lands depicted in Figure 3, including being occupied by the Covered Species and conserving an important north-south SJKF movement corridor in the northern part of the SJKF range.

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

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

- 8.1.1. Land acquisition costs for HM lands identified in Condition of Approval Habitat Management Lands Acquisition and Protection, estimated at \$5,000/acre for 2,048 acres: **\$10,240,000.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the Conditions of Approval Fee Title and Conservation Easement estimated at: **\$541,100.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Condition of Approval Start-up Activities, estimated at: **\$577,881.25**;
- 8.1.4. Interim management period funding as described in the Condition of Approval Interim Management (Initial and Capital), estimated at: **\$198,996.55**;
- 8.1.5. Long-term management funding as described in the Condition of Approval Endowment Fund: **\$1,903,523.75**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in the Condition of Approval Reimburse CDFW, estimated at: **\$13,600.00**.

8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work estimated at: **\$45,479.00**.

**8.2. Habitat Management Lands Acquisition and Protection.** Permittee shall:

- 8.2.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended;
- 8.2.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement;
- 8.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;

- 8.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion;
  
- 8.2.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) developing and transferring Geographic Information Systems (GIS) data if applicable; (3) establishing initial fencing; (4) conducting litter removal; (5) conducting initial habitat restoration or enhancement, if applicable; and (6) installing signage;
  
- 8.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management;

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

- 8.3. Endowment Fund. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for

the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by the Condition of Approval Land Manager. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions, and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

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

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

- 8.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR))

to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

- 8.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- 8.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
  - 8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
  - 8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
  - 8.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.
- 8.3.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

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

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

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

**9.1. Security Amount.** The Security shall be in the amount of **\$13,520,580.60** or in the amount identified in the Condition of Approval Cost Estimates specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the Condition of Approval Cost Estimates, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

**9.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

**9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin.

**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.** Permittees shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

**9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.

**9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

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

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

**IX.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.

**X.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, Designated Monitor(s), nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**XI.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.

**XII.XIII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2023-008-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, California 94244-2090  
[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:

Jim Vang, Senior Environmental Scientist (Specialist)  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 580-3203  
[Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)

**XIII.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, Merced County Community and Economic Development Department. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Las

Camas Solar Project Conditional Use Permit No. CUP 20-011, General Plan Amendment No. 20-001, Zone Change Amendment No. ZC 21-002, by EDPR CA Solar Park, LLC (SCH No.: 2021080196), dated May 2024 that the Merced County Community and Economic Development Department certified for Las Camas Solar Project Conditional Use Permit No. CUP 20-011, General Plan Amendment No. 20-001, Zone Change Amendment No. ZC 21-002 on March 11, 2025; a subsequent addendum to the certified March 2025 Supplemental EIR was filed and approved by the lead agency. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

**XIV-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, General Plan Amendment No. 20-001, Zone Change Amendment No. ZC 21-002, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent Covered Species habitat protection in an area providing commensurate movement corridor value to SJKF as compared to the Project impact area; (2) establishment of SJKF movement corridors within the Project Area; (3) worker education; and (4) Quarterly and Annual Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW’s estimate of the acreage required to

provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2,048 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.

**XV.XVI. Literature Cited:**

Constable J., B. Cypher, S. Phillips, and P. Kelley. 2009. California State University, Stanislaus Endangered Species Recover Program. Prepared for the U.S. Bureau of Reclamation.  
[https://esrp.csustan.edu/publications/reports/usbr/esrp\\_2009\\_wmercedkitfox\\_e.pdf](https://esrp.csustan.edu/publications/reports/usbr/esrp_2009_wmercedkitfox_e.pdf)

U. S. Fish and Wildlife Service. 1998. Recovery plan for upland species of the San Joaquin Valley, California. Region 1, Portland, OR. 319 pp

**XVI.XVII. Attachments:**

FIGURE 1	Project Regional Map ( <u>Amendment 1</u> )
FIGURE 2	Project Site ( <u>Amendment 1</u> )
FIGURE 3	Mitigation Property (Proposed Habitat Management Lands)
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
<u>ATTACHMENT 4</u>	<u>Amended and Restated with Track Changes</u>

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON \_\_\_\_\_**

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Julie A. Vance, Regional Manager  
Central Region