



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

California Endangered Species Act
 Incidental Take Permit No. 2081(b)-2026-008-04

DISCOVERY SOLAR PV AND STORAGE PROJECT

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

Permittees:	Discovery West Solar, LLC; Discovery West Storage, LLC; Discovery West Solar Storage, LLC; Discovery East Solar, LLC; Discovery East Solar Storage, LLC; Daylight IV, LLC; Daylight V, LLC; Daylight VI, LLC; Daylight VII, LLC
Principal Officer:	Simon Day, Vice President and Head of Solar Development (415) 404-0807 sday@terra-gen.com
Contact Person:	Amy Fuller, Senior Director Environmental Permitting (619) 994-2532 afuller@terra-gen.com
Mailing Address:	4275 Executive Square La Jolla, California 92137

II. 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, 2065**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittees' obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittees' Final Mitigation Report required by Condition of Approval Final Mitigation Report of this ITP.

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

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

III. Project Location:

The Discovery Solar PV and Storage Project (Project) is located in an unincorporated area in southeastern Kern County, along the western edge of the Antelope Valley (Figure 1), on approximately 7,700-acres (Project Area) of generally undeveloped private land across 480 parcels (Figure 2). The Project is located approximately six miles southwest of the unincorporated community of Mojave, approximately nine miles southeast of the City of Tehachapi, approximately eight miles northwest of the unincorporated community of Rosamond, and approximately 20 miles west of Edwards Air Force Base. State Route (SR)-58 is north of the Project, SR-14 is east of the Project, and Tehachapi Willow Springs Road runs through the Project. A conservation easement was recorded over an area that is both adjacent to and within a portion of the Project Area (see Figure 2); this conservation easement was recorded for required ITP mitigation for the Alta-Oak Creek Mojave Wind Project (2081-2010-011-04), hereafter, Alta-Oak Creek Conservation Easement. Construction activities and minimization measures described in this ITP will not occur within the boundary of the Alta-Oak Creek Conservation Easement unless and until a conservation easement amendment is approved by CDFW to allow for construction of transmission lines in association with a solar project as opposed to a wind project; the latter is currently accommodated as an allowable use in the Alta-Oak Creek Conservation Easement.

IV. Project Description:

The Project proposes to construct, operate, and maintain a utility-scale PV solar energy generation facility and associated infrastructure that will generate approximately 1,400 megawatts (MWs) of solar energy with a battery energy storage system (BESS) with up to eight gigawatt-hours of storage capacity. Project facilities include PV solar arrays, a BESS, three collector substations, a 230 kilovolt (kV) switchyard, interconnection and transmission systems, ancillary facilities, associated electrical infrastructure, and temporary construction laydown areas. Project grid interconnection will occur at Southern California Edison's Windhub Substation via an existing 230-kV to 500-kV step-up substation constructed as part of the Enterprise Solar Storage Project.

The Project will utilize outdoor cabinet-type BESS enclosures and will include integrated fire and safety systems within each enclosure. BESS facilities will be installed within non-walk-in outdoor enclosures on electrically grounded concrete pads or rock/aggregate base foundations. Project design includes a 100-foot setback from onsite vegetation to battery cabinets. In addition, the Project includes a minimum 300-foot setback of the BESS to adjacent property lines and will be kept devoid of vegetation for the life of the facility.

The Project includes design features to avoid, preserve, and minimize impacts to the 100,000 mature western Joshua tree (WJT) set for removal:

- Protection of an on-site 50-foot vegetated strip (approximately 14 acres) between the Project Area and Tehachapi Willow Springs Road. While this area will not be protected through a

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

conservation easement, it will remain undeveloped and be used as a receiver site for a portion of the relocated WJT stems.

- Protection of a 348-acre area of the Project Area that will not be developed and will be protected in perpetuity through recordation of a conservation easement (Woodland Habitat Preservation Area (WHPA)). Approximately 30,000 living and dead WJT stems over 325 acres of the 348-acre WHPA will be preserved.
- Enhancements of WJT habitats through relocation of a portion of the WJT stems to a 23-acre portion of the WHPA.
- Relocation and translocation will also occur to other onsite or offsite conserved (with conservation easement) lands as approved by CDFW.

While the overall Project Area is approximately 7,700 acres in size, the project development footprint is approximately 7,195 acres (excluding the WHPA and areas that a zone change is required for Kern County code compliance but would otherwise not be developed). In addition, an approximately 14-acre 50-foot vegetated strip along Tehachapi Willow Springs Road will remain undeveloped to provide available area for relocation of WJT and to act as a visual barrier/vegetative screening between the road and Project facilities, except for access road crossings, driveways off of Tehachapi Willow Springs Road, and medium voltage lines that traverse this area.

Project activities within the Alta-Oak Creek Conservation Easement area will consist of those needed for construction of a transmission line crossing over the Los Angeles Department of Water and Power aqueduct. Activities will include the placement of transmission poles and stringing wires using heavy equipment such as a crane, the removal of WJT and vegetation where needed for access, placement of those transmission poles, and other related tasks. No PV panels or other Project infrastructure will occur within the Alta-Oak Creek Conservation Easement area.

Construction Phase

Site preparation activities will include trash removal, mowing, clearing, WJT translocation, fence installation, excavation, and grading of the site. Site preparation also includes the demarcation of environmentally sensitive areas identified through the environmental review processes in, and adjacent to, the Project Area. Demarcation will include installing flags, stakes, or fencing to prevent workers from entering sensitive areas.

Construction contractors will incorporate Best Management Practices (BMPs) consistent with the Kern County zoning ordinance, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and Soil Erosion and Sedimentation Control Plan to reduce potential impacts related to Project construction. Prior to initial construction activities, preconstruction surveys will be performed, and sediment and erosion controls will be installed in accordance with an approved Project-specific SWPPP. Stabilized construction entrances and exits will be installed at driveways to reduce tracking of

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

sediment onto adjacent public roadways. Site preparation activities will be consistent with Kern County BMPs and Eastern Kern Air Pollution Control District rules for dust control. Laydown yards used for temporary offices, equipment and material unloading and storage, worker parking, and other construction-related activities will be prepped by mowing and clearing existing vegetation. In heavy use zones, crushed aggregate may be applied.

Site preparation will involve the removal and proper disposal of existing vegetation and debris where needed to construct Project components. During this process, dust will be minimized using techniques such as maintaining natural vegetation where possible, using a mow-and-roll vegetation clearance strategy, placing wind control fencing, applying water, and applying dust suppressants and/or soil stabilizers as authorized generally on high traffic areas or next to public roads. Dust will also be reduced by limiting conventional grading within the Project Area to the extent possible. Equipment used to prepare the site may include earthwork scrapers, excavators, bulldozers, water trucks, paddlewheel scrapers, haul vehicles, and graders. Land-leveling equipment, such as a smooth steel drum roller, will be used to even the surface of the ground and to compact the upper layer of soil to a value recommended by a geotechnical engineer for structural support. Access roads may be additionally compacted to 90% or greater, as required, to support construction and emergency vehicles. To comply with emergency access requirements, some access roads may be covered with aggregate or decomposed granite. Soil movement from grading will be balanced on the Project, and no import or export of soil will occur.

Fencing will be installed around the perimeter of the Project Area, including all areas requiring controlled access for safety and security. Locking gates will be installed at access roads entering the site. Temporary exclusion fence may be installed in portions of the Project Area to keep terrestrial wildlife species from entering the Project Area during the project construction phase if determined necessary. Permanent perimeter fencing will be designed to allow for passage of small- and medium-sized wildlife with a gap at the bottom of the fence to allow permeability for wildlife and wildlife movement through and around the Project Area, while permanent exclusion fencing around collector substations and the switchyard may be required.

Trenching will be required for placement of underground electrical and communication lines and may include the use of trenchers, backhoes, excavators, haul vehicles, compaction equipment, and water trucks. Concrete pads for structures, equipment enclosures, and equipment vaults will be prepared per geotechnical engineer recommendations. The collector substations and switchyard areas will have a grounding grid installed. Similarly to emergency access routes, they will be covered with aggregate surfacing for safe operation. Collection and transmission structures from the collector substations to the transmission line will require drilling for foundation support, and the soils removed will be spread across the site.

Incidental Take Permit
No. 2081(b)-2026-008-04

**DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT**

The Project will include limited grading to manage offsite flows and will include construction of stormwater basins to reduce the volume and velocity of stormwater discharging from the site along with the use of berms and swales. Runoff generated from the panels, access roads, and associated infrastructure will be allowed to disperse and infiltrate before entering onsite basins.

Construction of the solar arrays will include support structures and associated electrical equipment and cabling, starting with steel foundation piles typically spaced approximately 10 to 15 feet apart and installed to a height of approximately four feet above grade.

BESS installation includes constructing concrete footings, pad foundation piers, and/or driven pilings. The foundations will then be backfilled and compacted as necessary prior to installation of power conversion systems, power distribution systems, pad-mounted transformers, and BESS enclosures. Electrical cables will be installed to connect the equipment and above-ground utilities. The circuits and control systems will be checked and tested for proper installation and functionality during commissioning prior to operation.

Up to two permanent, onsite operations and maintenance (O&M) facilities and/or small satellite offices will be built onsite to facilitate rapid repair of equipment.

The Project will include telecommunications equipment, including underground and overhead fiber optics, and meteorological data collection systems or supervisory control and data acquisition (SCADA). The cabinet holding the connection equipment will have a base of approximately 4 feet by 2 feet and will be approximately 5 feet in height. An underground and overhead fiber optic cable will be installed within the Project footprint to connect the cabinet to the SCADA equipment within the onsite collector substations.

All waste, debris, and construction equipment will be removed from the Project after construction. Laydown yards or other areas temporarily disturbed during construction that are not needed for Project operations will be revegetated.

Construction will occur during daylight hours, Monday through Friday, between 6:00 a.m. and 6:00 p.m. with some expected work on Saturday and Sunday to meet the construction schedule.

Operations and Maintenance Phase

Facility operation will occur year-round. Typical O&M activities that will occur include, but are not limited to, remote operations of inverters and BESS, security and management, repair and maintenance of equipment, fence and gate maintenance, mowing and vegetation control, trash pickup, and periodic panel washing.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

Vegetation management will occur around Project facilities. Pre-emergent and post-emergent treatments (i.e., herbicides that target invasive weed species) will be utilized under arrays, around inverters, combiner boxes, the BESS, and substations on an annual basis. A 6-foot strip of bare ground directly beneath solar panels will be implemented. In other areas, mowing and hand clearing will be conducted, where needed. These operations are performed annually from May to August with additional smaller services performed as needed throughout the summer and fall. Zero-turn riding mowers will primarily be used, trimming vegetation to 4 to 8 inches in height, with some smaller orchard mowers less frequently being used. Weed eaters, hand tools, and various other measures will be used when removing invasive vegetation.

Permanent motion-sensitive, directional security lights will be installed to provide adequate illumination around the collector substation areas, BESS yards, and electronic gates at points of ingress/egress. The Project’s lighting system will provide illumination for both normal and emergency conditions. Lighting will be designed to provide the minimum illumination needed to achieve safety and security and will be downward-facing and shielded to focus illumination on the desired areas only and to minimize light trespass.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. Western burrowing owl (<i>Athene cunicularia hypugaea</i>)	Candidate ⁴
2. LeConte’s thrasher (<i>Toxostoma lecontei</i>)	Candidate ⁵
3. Bakersfield cactus (<i>Opuntia basilaris</i> var. <i>treleasei</i>)	Endangered ⁶
4. Western Joshua tree (<i>Yucca brevifolia</i>)	Candidate ⁷

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include driving vehicles to, and from the Project; operation of construction equipment; clearing, grubbing, scraping, hauling, and grading; vegetation removal and mowing during construction or operations; cut/fill activities; trenching for underground conduit; crushing of aggregate; excavation and leveling earthwork for project facilities and components;

³Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.
⁴The 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.
⁵The 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.
⁶See Cal. Code Regs., tit. 14, § 670.2, subd. (a)(7)(A).
⁷The 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.

backfilling and compacting of soil; pile driving and trenching; construction and use of internal 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 methods of temporary and permanent fencing; placement of concrete and/or asphalt for structural foundations; installing solar panel and support and mount systems; installing transmission lines and poles; panel washing, general maintenance, transporting construction materials and disturbing vegetation or ground during the O&M activities described above; and other Project-related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") will occur for approximately 100,000 mature western Joshua trees and 1,295 Bakersfield cactus clumps, and may occur for hundreds of newly germinated western Joshua tree sprouts or Bakersfield cactus pups over the course of the O&M period. Mortality of Covered Species may also occur as a result of construction Covered Activities and O&M Covered Activities during burrow collapse that results in crushing, suffocation, or nest destruction of underground Covered Species during excavation and compaction activities; entombment of individuals from deposition of fill material, or spoils over occupied burrows or nest burrows; entrapment and burial during excavation and installation activities; crushing by equipment; corralling/capturing Covered Species into a confined area with no escape; vehicle/equipment strikes from Project-related traffic; and noise and ground vibration that could cause individuals to abandon nests, leave burrows at inappropriate times increasing stress, overheating, and exposure to predation; habitat modification, trampling, excavating all or part of one individual; erosion of substrates supporting individuals which could cause uprooting and/or could make substrates unsuitable for growth; incorrect herbicide/pesticide application or overspray; or settling of fugitive dust affecting respiration or photosynthesis.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so, with entrapment of Covered Species into trenches or excavations, with corralling by installation of species exclusion fencing, with live capturing, with occupied burrow excavation, and with implementation of other take minimization measures required by this ITP.

Incidental take of the Covered Species is expected to occur throughout the entire 7,700-acre Project Area. Impacts of the authorized taking also include adverse impacts to the Covered Species related to increased stress, reduced fitness, and ultimately mortality of individuals resulting from loss of access to habitat for a period of time or an increase in predator or human pressure from an increased habitat fragmentation and edge effects. These same adverse impacts may be exacerbated cumulatively over time when combined with other changes in land use in the region (indirect and cumulative effects). These impacts include: stress on individuals resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; temporary displacement; stress resulting from capture and relocation/translocation; increased exposure or stress from disorientation; fugitive

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV
AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC;
DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

dust; visual disturbance; displacement into less preferred habitat; loss of foraging habitat; increased competition for food and space; loss of burrows used for shelter, reproduction, and escape cover; increased human activity which could result in a reduction in prey abundance and/or availability; and increased vulnerability to disease and predation. Noise and vibration could cause physiological and/or behavioral disruptions that may interfere with breeding, result in nest abandonment, and a loss of fitness in dependent young resulting from interruptions to brooding and/or feeding schedules, due to impaired or interrupted foraging and nesting behavior and because forage acquired further away from the nest is more energetically expensive for parents acquiring food for their dependent young.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittees 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:** Permittees 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.: 2025071048) certified by Kern County on June 16, 2026, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittees shall implement and adhere to the mitigation measures and conditions related to the Covered Species in a Lake and Streambed Alteration Agreement (LSAA) for the Project, if one is executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

4. ITP Time Frame Compliance: Permittees 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, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittees 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), Designated Botanist(s), and Designated Monitor(s). Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information for CDFW review and written approval before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist/Botanist/Monitor) and the requested species for that role. The qualifications and 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. Permittees shall review qualifications before submission to ensure that the proposed Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) meet the description below for each designation. Permittees shall also ensure that the proposed Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) have received a copy of this ITP and any associated CDFW approved Plan required by the ITP.

Permittees shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, protocol or other focused survey techniques, construction surveying and monitoring under an ITP, positive field identification, handling, and relocating or other exclusion techniques, as permitted, and the excavation of burrows of the Covered Species.

Permittees shall ensure that the Designated Botanist(s) are knowledgeable and experienced in the biology, natural history, life cycle, flowering period, types of reproduction and associated components such as the pollinating Yucca moth, seed caching rodents, and rhizomal growth, and identification of all growth phases (seed, seedling, pre-

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

reproductive, etc.), positive field identification (including potential hybrid individuals), and the excavation, handling, and translocation of the botanical Covered Species.

Permittees shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, and construction monitoring of the Covered Species. The Designated Monitor(s) may assist the Designated Biologist(s) and Designated Botanist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) or Designated Botanist(s).

The Designated Biologist(s), Designated Botanist(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. Permittees shall obtain approval in advance, in writing, if the Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) must be changed.

5.3. Designated Biologist(s), Designated Botanist(s) and Designated Monitor(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s), Designated Botanist(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. Permittees shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) is/are unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittees 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), Designated Botanist(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. Permittees shall conduct an education program for all persons employed or otherwise working in the Project Area before starting Covered Activities. The program shall consist of a presentation from the Designated Biologist and Designated Botanist 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

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP.

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

- 5.5. Construction Monitoring Documentation.** The Designated Biologist(s), Designated Botanist(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. Permittees 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.** Permittees shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittees 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.** Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s). Permittees shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittees 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. Permittees shall not apply dust suppressant, surfactant, soil binder or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

- 5.8. Erosion Control Materials.** Permittees shall prohibit use of erosion control materials potentially harmful to Covered Species and other wildlife, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittees shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials. Rock used for road improvement or other purposes shall be no greater than 4 inches in diameter unless the interstitial spaces are filled with 2-inch or smaller diameter rock.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees 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. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine 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.** Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval Project Access of this ITP.
- 5.12. Hazardous Waste.** Permittees 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. Permittees 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.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

Permittees shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within established O&M buildings or designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval BUOW Burrow Avoidance, LETH Avoidance, WJT Avoidance, and BACA Avoidance, unless approved in advance and in writing by CDFW.

- 5.13. CDFW Access.** Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees' 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, Permittees shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.15. 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. Pesticide Use and Prohibition.** Permittees shall not use pesticides including but not limited to rodenticides, herbicides, and insecticides on the Project Area without prior written approval from CDFW. Permittees shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area. If pesticides must be used, Permittees shall consult with CDFW and obtain written approval from CDFW before any pesticide use.

Permittees 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. Permittees 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 speed are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittees shall consult with CDFW and obtain written approval from CDFW before using any herbicides.

- 5.17. Dogs.** Permittees 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 post-construction

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

vegetation maintenance, or other similar need, when the dogs are under the direct supervision of the handler. The use of guardian dogs will not be approved.

- 5.18. Firearm Prohibition.** Construction personnel shall not be permitted to bring firearms into the Project Area.
- 5.19. Wildfire Avoidance.** Permittees or Permittees' contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and heavy 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 worker education program described in Condition of Approval Education Program above.
- 5.20. Permanent Security Fencing Plan.** Permittees shall submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative and Regional Office identified in Condition of Approval Quarterly Compliance Report (Construction Phase) below.

The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel "blocks" and the Project Area as a whole (excluding the O&M building, BESS, and substation), shall be modified to allow for small animal permeability following the construction phase by leaving a 4 to 6-inch gap from the ground to the bottom of the fence, or other design approved in writing by CDFW. Permittees shall ensure vegetation, debris, and materials do not block fence impacting permeability.

- 5.21. On-Site Drainage Basin Entrapment Prevention.** Permittees shall ensure that final design of the on-site stormwater drainage basins have adequate elements to ensure that Covered Species can escape should one inadvertently enter the basin or elements designed to preclude entry. Permittees shall submit a Basin Design Plan with elements necessary for Covered Species escape and/or entry prevention for review and written approval by CDFW prior to implementation of Covered Activities related to basin construction and/or installation.

Permittees shall ensure that stormwater retention basins' wildlife escape and prevention materials, as applicable, are maintained in effective condition. Maintenance inspections of these features shall be conducted as appropriate. Should any failures be discovered, Permittees shall make necessary repairs immediately to ensure that Covered Species can escape or are prevented from entry. If permanent repairs cannot be immediately

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

completed (within 24 hours) then temporary repairs shall be put in place until the permanent repair can be reasonably completed. Inspection of temporary repairs shall be completed daily to ensure effectiveness of wildlife escape and/or entry exclusion until the permanent repair can be completed.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement and Pre-Construction Survey.** The Designated Representative shall notify CDFW before starting construction phase and O&M phase Covered Activities. The Notification shall include the pre-construction survey results, in accordance with Conditions of Approval BUOW Pre-Construction Surveys and Reporting, LETH Pre-Construction Surveys and Reporting, WJT Pre-Construction Surveys and Reporting, and BACA Pre-Construction Surveys and Reporting, and O&M Vegetation- or Ground-Disturbing Covered Activities, and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Lapse in Continuity of Work Activities.** Should an unplanned or planned lapse of Covered Activities occur for more than 30 calendar days, a new Notification Before Commencement and Pre-Construction Surveys shall be performed and submitted per Condition of Approval Notification Before Commencement and Pre-Construction Survey above.
- 6.3. Notification of Non-Compliance.** The Designated Representative, Designated Biologist(s), or Designated Botanist(s), shall immediately notify CDFW if the Permittees are 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 or Designated Biologist or Designated Botanist 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.
- 6.4. Compliance Monitoring.** The Designated Biologist(s), Designated Botanist(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. At least one Designated Biologist or Designated Botanist for each Covered Species shall be on-site daily, for the duration of each day that vegetation- or ground-disturbing Covered Activities occur. The Designated Biologist(s) and Designated Botanist(s) shall be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night. Vegetation- and ground-disturbing activities include any action that modifies the existing vegetated surface or ground. Examples include the use of string trimmers, mowing,

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

application of herbicide, washing of solar panels, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) shall otherwise be on-site during the construction period at least monthly during periods of inactivity and after clearing, grubbing, and grading are completed.

The Designated Biologist(s), Designated Botanist(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;
- (6) maintain an on-going account of the number of acres that are permanently disturbed by the Project; and
- (7) document the Covered Activities that occurred.

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

6.5. 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), Regional Office (RRR.R4@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov. If requested, hard copies may be mailed to the CDFW offices listed in the **Notices** section of this ITP.

6.6. Quarterly Compliance Report (Construction Phase). The Designated Representative, Designated Biologist(s), or Designated Botanist(s), shall compile the observation and

inspection records identified in Condition of Approval Compliance Monitoring into a Quarterly Compliance Report (QCR) during the initial construction and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per Condition of Approval CDFW Notification and Report Submittal no later than the 15th 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 Permittees in writing of the new reporting schedule.

6.7. Annual Status Report (Construction Phase and O&M Phase). Permittees shall provide CDFW with an Annual Status Report (ASR) 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 ASR shall be submitted to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. Each ASR shall include, at a minimum:

- (1) a summary of all QCRs for the Reporting Period during the Construction Phase (Condition of Approval Quarterly Compliance Report (Construction Phase));
- (2) a record of the Education Program training sessions provided over the reporting year (Condition of Approval Education Program);
- (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period;
- (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;
- (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow 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;

(8) (Only during the Construction Phase) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since ITP issuance; and

(9) information about other Project impacts on the Covered Species.

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

6.9. Vegetation Control Plan. No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittees shall submit a Vegetation Control Plan to CDFW for review and approval. The Vegetation Control Plan shall describe management strategies for vegetation control through mowing, sheep and/or goat grazing, herbicide use, etc. Strategies will target reducing wildfire risk and optimal Covered Species vegetation height and densities to the extent practicable to maximize the potential for any residual habitat value for Covered Species within the Project Area during the O&M phase.

6.10. Construction Phase Conditions of Approval Evaluation Report. No later than 45 days after completion of all initial construction activities for the solar site and gen-tie line, Permittees 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 QCRs and all ASRs;
- (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 this ITP's 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.

6.11. Final Mitigation Report. No later than 45 calendar days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in Condition of Approval CDFW Notification and Report Submittal.

The Final Mitigation Report shall include, at a minimum:

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

6.12. As-Built Development Plans. No later than 45 calendar days after completion of all initial Construction Phase Covered activities, Permittees shall submit as-built development plans following the direction 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 and shall be verified by the Designated Biologist(s) and Designated Botanist(s).

- 6.13. Notification of Take or Injury.** Permittees shall immediately notify the Designated Biologist(s) or Designated Botanist(s) if a Covered Species of any life stage (including eggs/nest abandonment) is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead, injured, or damaged within the vicinity of the Project. The Designated Biologist(s), Designated Botanist(s), or Designated Representative shall provide initial notification to CDFW via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, number of animals or plants taken, injured, or damaged and the ITP Number. If a western burrowing owl or LeConte's thrasher is found deceased, the Designated Biologist(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted or follow any approved storage or transport methods in the CDFW-approved BUOW Mortality Reduction Plan and LETH Mortality Reduction Plan as applicable.

Following initial notification, Permittees 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, 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. Permittees shall implement and adhere to the following conditions to minimize take of Covered Species:

Construction Phase Covered Activities Take Minimization Measures

- 7.1. Designated Biologist(s) or Designated Botanist(s) On Site.** The Designated Biologist(s) or Designated Botanist(s) shall be on site during all activities that may result in the take of the applicable Covered Species and in accordance with Condition of Approval Compliance Monitoring.
- 7.2. Work Hours.** Permittees shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:
- (1) planned and unplanned maintenance and quality assurance/control activities, repair and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized;

- (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine maintenance or repairs requiring immediate attention;
- (3) security patrols;
- (4) refueling equipment and staging material for the following day's construction activities; and
- (5) concrete pouring.

Permittees 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 as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.

7.3. Vehicle Parking. Permittees shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per Conditions of Approval BUOW Burrow Excavation. Vehicles left overnight shall be located outside the applicable avoidance buffers as defined in Conditions of Approval BUOW Burrow Avoidance.

7.4. Vehicle 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) or Designated Botanist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) or Designated Botanist(s) shall move the Covered Species out of harm's way in compliance with the approved Covered Species Mortality Reduction and Relocation Plans required in Condition of Approval BUOW Mortality Reduction Plan, LETH Mortality Reduction Plan, WJT Translocation Plan, and BACA Translocation Plan.

7.5. Pipe and Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

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(s) shall move the Covered Species out of harm's way in compliance with the approved Covered Species Mortality Reduction and Relocation Plans required in Conditions of Approval BUOW Mortality Reduction Plan and LETH Mortality Reduction Plan.

7.6. Excavation Inspection. The Designated Biologist(s) or Designated Monitor(s) shall inspect all trenches, open holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every day. 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.

If a worker discovers a Covered Species has become trapped, Permittees shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC; DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

workers and Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plans required in Conditions of Approval BUOW Mortality Reduction Plan and LETH Mortality Reduction Plan.

- 7.7. Covered Species Observations and Notification.** All workers shall inform the Designated Biologist(s) or Designated Botanist(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All Covered Activities in the vicinity of the Covered Species, which could take, injure, or damage the animal or plant, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist(s) or Designate Botanist(s) moves the Covered Species out of harm's way in compliance with Conditions of Approval BUOW Mortality Reduction Plan, LETH Mortality Reduction Plan, WJT Translocation Plan, and BACA Translocation Plan.

Permittees shall notify CDFW within 24 hours of discovery of a Covered Species within the Project Area via e-mail to the Regional Representative and Regional Office identified in Condition of Approval CDFW Notification and Report Submittal above. The notification shall include the name of the Covered Species, the name of the individual who discovered the species, a map showing where the Covered Species was found, and photographs if possible.

- 7.8. Covered Species Buffers and Buffer Reductions.** The buffers prescribed in the below Conditions of Approval BUOW Burrow Avoidance, LETH Avoidance, WJT Avoidance, and BACA Avoidance shall not be reduced or otherwise modified without prior written CDFW approval.

Sturdy, highly visible, orange plastic construction avoidance temporary fencing, or other materials approved in writing by CDFW, shall be installed around avoidance areas and located in accordance with direction from the Designated Biologist(s) Designated Botanist(s). Fencing shall be permeable and/or raised to allow for the movement of wildlife and to encourage natural soil movement and deposition patterns. Fencing shall be securely staked and installed in a durable manner that will be reasonably expected to withstand wind and weather events and last through the Construction Phase and O&M Phase when located adjacent to maintenance work areas. Fencing shall be inspected at least twice per week, even during periods of inactivity, and maintained and/or replaced as necessary to prevent fence-generated litter. Fencing shall be removed upon completion of Covered Activities in the Work Area.

If the Designated Biologist(s) determines that specific Covered Activities are not likely to affect the Covered Species due to the nature of the specific Covered Activities and/or due to objects or, for example, topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the den or burrow, or if additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.) will be performed, then the Designated Biologist(s) may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.

Western Burrowing Owl (BUOW) Specific Take Minimization Measures

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

- (1) detailed description of survey methodology;
- (2) detailed burrow exclusion and excavation methods;
- (3) proposed Covered Activities that may be performed within BUOW avoidance buffers;
- (4) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and
- (5) procedure for collection and storage of BUOW carcasses.

Only CDFW-approved Designated Biologist(s), or personnel following directions from and under the direct supervision of the Designated Biologist(s), are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling or capture is prohibited, except as otherwise authorized in this ITP.

Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless CDFW determines that updates are needed to reflect best available science in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

modifications. The BUOW Mortality Reduction and Relocation Plan shall be submitted to CDFW per Condition of Approval CDFW Notification and Report Submittal.

7.10. BUOW Artificial Burrow Replacement Plan. Permittees 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. Permittees shall submit a BUOW Artificial Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW per Condition of Approval CDFW Notification and Report Submittal no more than 120 calendar days after starting Covered Activities. The BUOW Artificial Burrow Replacement Plan shall include, but not be limited to:

- (1) a discussion and map of potential artificial burrow replacement locations;
- (2) description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances, etc.);
- (3) artificial burrow installation methods;
- (4) long-term (life of this ITP) artificial burrow maintenance methods; and
- (5) timing of BUOW burrow installation/construction.

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

7.11. BUOW Pre-Construction Surveys and Reporting. The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known and/or nesting BUOW burrows (as defined in the Condition of Approval BUOW Burrow Avoidance) within 30 calendar days prior to beginning Covered Activities in the Project Area. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area or discrete Work Area(s), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any known or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval BUOW Burrow Blockage and BUOW Burrow Excavation, unless avoided per the Condition of Approval BUOW Burrow Avoidance. Permittees shall provide the

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

pre-construction survey results with a Burrow Map (see Condition of Approval Burrow Map) in a written report to CDFW per Condition of Approval CDFW Notification and Report Submittal. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).

- 7.12. 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, any discrete Work Area(s) title, north arrow, scale bar, and legend.
- 7.13. BUOW Burrow Avoidance.** The Permittees 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 the burrow is being used, known to have been used, or past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittees 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).
 - If a nesting BUOW burrow used for nesting (e.g., known BUOW burrow indications of the presence of an adult pair, mating behaviors, eggs, chicks, dependent young, and/or brooding or egg incubation, etc.) is discovered within or immediately adjacent to the Project Area, the Permittees shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31).

If BUOW burrows cannot be avoided as described above, then the Permittees shall follow Conditions of Approval Covered Species Buffer Reduction, BUOW Burrow Blockage, BUOW Burrow Excavation, BUOW Mortality Reduction Plan, and BUOW Artificial Burrow Replacement 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.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

- 7.14. BUOW Burrow Blockage.** Where CDFW has approved a buffer reduction, the Permittees may block rather than destroy any known (not nesting) BUOW burrow located within the buffer distances prescribed by the Condition of Approval BUOW Burrow Avoidance within the Project Area, but outside the discrete Work Area(s) where vegetation- or ground-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with wildlife cameras and determined that BUOW is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. 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 regain access to the burrow, the Permittees shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.
- 7.15. 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 Covered Species Buffer Reduction and that are within the Project Area or discrete Work Area(s). Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area or discrete Work Area(s). If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittees shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow.
- Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after four consecutive 24-hour periods of wildlife camera monitoring. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools,

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

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

LeConte's Thrasher (LETH) Specific Take Minimization Measures

7.16. LETH Mortality Reduction Plan. Permittees shall submit a LETH Mortality Reduction Plan, prepared by an approved LETH Designated Biologist(s), to CDFW, per Condition of Approval CDFW Notification and Report Submittal, for written approval before starting Covered Activities. The LETH Mortality Reduction Plan shall include, but not be limited to:

- (1) detailed description of survey methodology;
- (2) detailed description of capture, handling, and transport methods of eggs and/or chicks in the case of nest abandonment;
- (3) methods to return LeConte's thrasher back into the wild;
- (4) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to provide care/treatment to injured LETH and care for eggs, hatchlings, and fledglings; and
- (5) procedure for collection and storage of LETH carcasses.

The Permittees shall fund the recovery and release of any injured or abandoned LETH nestlings.

Once the LETH 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 in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the LETH Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

7.17. LETH Pre-Construction Surveys and Reporting. The Designated Biologist shall conduct pre-activity transect surveys throughout the Project Area and 500 feet (where feasible) beyond the limits of the Project Area or discrete Work Area(s) to detect LETH individuals and/or LETH nests. Permittees shall provide the survey results to CDFW per Condition of Approval CDFW Notification and Report Submittal prior to starting Covered Activities. The

report shall include but not be limited to methodology, survey date, time of survey, weather conditions, number of LETH detected, and a discussion and map of the locations of detections.

If vegetation removal will occur during the nesting season and LETH individuals are detected during pre-activity surveys, the Designated Biologist(s) shall conduct surveys for active nests and/or breeding pairs during the breeding season (January 1 through June 15) within 14 days of beginning vegetation removal activities. The breeding season survey shall occur throughout the Project Area or discrete Work Area(s) and 500 feet beyond the limits of the Project Area. The Designated Biologist or Designated Representative shall provide the LETH nest survey results to CDFW, per Condition of Approval CDFW Notification and Report Submittal, in a written report with map prior to starting Covered Activities. The report shall include, but not be limited to, methodology, survey date(s), time of survey(s), weather conditions, number of LETH nests detected, map of the nest locations, and a discussion of the apparent status of each nest.

7.18. LETH Vegetation Removal. The Permittees shall not remove vegetation within the range of LETH unless outside of the breeding season, and only after surveys are completed as described in Condition of Approval LETH Pre-Construction Surveys.

7.19. LETH Avoidance. The Permittees shall ensure that no Covered Activities occur within 500 feet of a LETH nest during the breeding season (January 1 through June 15). The Permittees shall not allow worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking within 500 feet of any LETH nest. The 500-foot no-disturbance buffer shall remain until the young have fledged, the young are no longer reliant on the nest or parents, and no further sign of nesting is observed.

If LETH nests cannot be avoided as described above, then Permittees shall follow the Conditions of Approval Covered Species Buffer Reduction and LETH Mortality Reduction Plan. If LETH are visibly stressed by the Covered Activities or workers in the vicinity after the no-disturbance buffer is 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 LETH.

7.20. LETH Nest Monitoring. If a LETH nest is located at or within 500 feet of the Project Area or discrete Work Area(s), the Designated Biologist(s) shall be present daily for the entire duration of Covered Activities to monitor LETH behavior. The Designated Biologist(s) shall order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (excessive vocalization [distress calls], agitation, failure to remain on nest for an extended time period, failure to maintain nest, failure to deliver food items to

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

hatchlings for an extended period of time, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittees 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.

Western Joshua Tree (WJT) Specific Take Minimization Measures

- 7.21. WJT Pre-Construction Surveys and Reporting.** The Designated Botanist(s) shall perform pre-construction surveys for WJT prior to beginning vegetation- or ground-disturbing activities within the Project Area or discrete Work Area(s). These surveys shall include the identification of and subsequent flagging/fencing/demarcating of the WJT to be translocated per Condition of Approval WJT Translocation Plan.

Permittees shall provide the pre-construction survey report to CDFW per Condition of Approval CDFW Notification and Report Submittal prior to starting Covered Activities in each Work Area. The pre-construction survey report shall include, but not be limited to, methodology, date and time of survey, results, discussion, and a map of the locations of the WJT to be translocated.

- 7.22. WJT Avoidance.** In areas where allowing existing mature trees to stay or sprouts to mature would not pose operational risk, Permittees shall either implement a 50-foot avoidance buffer for each of these individual WJT or submit a written buffer reduction request per Condition of Approval Covered Species Buffer Reduction to protect these individuals in place.

- 7.23. WJT Translocation Plan.** Prior to conducting Covered Activities, Permittees shall submit a WJT Translocation Plan to CDFW for review and approval, per Condition of Approval CDFW Notification and Report Submittal, which shall include at a minimum:

- (1) impact minimization measures (including protecting individuals in place where feasible in accordance with Condition of Approval WJT Avoidance;
- (2) relocation methods for a minimum of 10,000 WJT live individuals in accordance with the Western Joshua Tree Relocation Guidelines and Protocols (Attachment 5) or other updated prevailing CDFW-approved guidance;
- (3) methods of seed or fruit collection if applicable;
- (4) methods of topsoil salvage if applicable; and

- (5) a map and legal description of the proposed receiver site(s) for WJT individual(s) and/or topsoil, seeds, or fruits, and a proposed permanent conservation mechanism that will protect the receiver site(s) from development in perpetuity.

Any proposed changes to the approved WJT Translocation Plan shall be submitted in writing to CDFW and shall be approved in writing by CDFW prior to implementation of the proposed modifications.

In the event of any conflict or inconsistency between the terms of the WJT Translocation Plan and the WJT Relocation Guidelines, this ITP and the WJT Translocation Plan shall control. This ITP authorizes Permittees to undertake all activities necessary to remove the WJT individuals to be relocated, transport them off the Project Area, and transplant them at the receiver site consistent with the WJT Translocation Plan.

Bakersfield Cactus (BACA) Specific Take Minimization Measures

- 7.24. BACA Pre-Construction Surveys and Reporting.** The Designated Botanist(s) shall perform pre-construction surveys for BACA prior to beginning vegetation- or ground-disturbing activities within the Project Area or discrete Work Area(s). These surveys shall include the identification of and subsequent flagging/fencing/demarcating of the BACA to be translocated per Condition of Approval BACA Translocation Plan.

Permittees shall submit a report documenting the results of the pre-construction surveys to CDFW per Condition of Approval CDFW Notification and Report Submittal prior to starting Covered Activities in each Work Area. The pre-construction survey report shall include, but not be limited to, methodology, date and time of survey, results, discussion, and a map of the locations of the BACA to be translocated.

- 7.25. BACA Avoidance.** Permittees may remove the approximate 1,295 cactus clumps that have potential to be BACA or beavertail-BACA hybrids, previously identified within the Project Area where they conflict with Covered Activities. In areas where allowing existing mature clumps to stay or new pads or pups to mature would not pose operational risk, Permittees shall either implement a 50-foot avoidance buffer for each of these individual BACA or submit a written buffer reduction request per Condition of Approval Covered Species Buffer Reduction to protect these individuals in place.

- 7.26. BACA Translocation Plan.** Prior to conducting Covered Activities, Permittees shall submit a BACA Translocation Plan to CDFW, per Condition of Approval CDFW Notification and Report Submittal. Translocation activities shall not proceed until the Translocation Plan has been approved in writing by CDFW's Regional Representative. The Translocation Plan shall include, at a minimum:

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

- (1) excavation methods for at least the 183 BACA clumps that are above 3,300-foot elevation, and equipment and tools to be used;
- (2) proposed timing of when translocation activities will occur;
- (3) holding and transportation parameters;
- (4) identification of transplant receiving areas (e.g. WHPA); and
- (5) replanting methods.

Only the Designated Botanist or approved Biological Monitors under the direct supervision of the Designated Botanist are authorized to translocate BACA. Once the BACA Translocation Plan is approved, it shall be used for the duration of this ITP. Any proposed changes to the approved Translocation Plan shall be submitted in writing to CDFW and approved in writing by CDFW prior to implementation of the proposed modifications.

The Designated Botanist shall translocate BACA individuals that cannot be avoided prior to the start of Covered Activities in the Project Area or each discrete Work Area. The Designated Botanist shall translocate the BACA to the WHPA and/or other offsite conserved lands in accordance with the BACA Translocation Plan approved by CDFW. Covered Species translocation shall not begin until CDFW has provided written approval to proceed with Covered Species translocation. **O&M Phase Covered Activities Take Minimization Measures**

- 7.27. O&M Covered Activities.** Permittees shall implement all Conditions of Approval General Provisions and Monitoring, Notification and Reporting Provisions of this ITP for all O&M Covered Activities as applicable.
- 7.28. O&M Covered Activities Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) On-site.** The CDFW-approved Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) shall be on-site daily during all vegetation- or ground-disturbing activities and shall be on-site during all non-emergency vegetation or ground-disturbing Covered Activities performed at night.
- 7.29. O&M Covered Activities Work Hours.** Permittees 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 Covered Species-specific take minimization measures as applicable. Permittees 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.

- 7.30. O&M Covered Activities Vehicle Parking.** During all O&M Covered Activities or Covered Species-specific take minimization measures, Permittees shall not allow vehicles to park on top of or immediately adjacent to potential Covered Species burrows or nests. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval BUOW Burrow Avoidance, LETH Avoidance, WJT Avoidance, and BACA Avoidance.
- 7.31. O&M Covered Activities Vehicle and Equipment Inspection.** During the O&M phase, workers shall inspect for avian Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If an avian 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 passively encourage the avian Covered Species to move away from the vehicle or equipment, in compliance with the timing and methods identified in the Conditions of Approval BUOW Mortality Reduction Plan and LETH Mortality Reduction Plan.
- 7.32. O&M Covered Activities 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 Condition of Approval Permanent Security Fencing Plan.
- 7.33. O&M Covered Activities Pipes and Materials Inspection.** Permittees 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 avian Covered Species. Permittees shall not leave any permanent pipes or similar materials or structures open where avian Covered Species may enter them and become trapped. Workers shall thoroughly inspect all such materials for avian Covered Species before they are moved, buried, or capped. If an avian Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. Alternatively, the Designated Biologist may passively encourage or otherwise move the avian Covered Species to move away from the pipes, culverts, or similar structures, in compliance with the timing and methods identified in the Conditions of Approval BUOW Mortality Reduction Plan and LETH Mortality Reduction Plan.
- 7.34. O&M Covered Activities Vegetation Maintenance.** Permittees shall maintain vegetation on site to an average height conducive to use by avian Covered Species and their prey, generally a minimum of 4 inches and maximum 8 inches in height, and in accordance with Conditions of Approval Pesticide Use and Dogs. Fire roads/fire breaks, access roads, fence lines, O&M buildings, the Project substation, BESS, inverter stations, and the area directly beneath solar panels may be maintained without vegetation. Permittees may request

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

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.

- 7.35. O&M Vegetation- or Ground-Disturbing Covered Activities.** Within 30 calendar days prior to starting vegetation or ground-disturbing Covered Activities during the O&M phase in each distinct Work Area(s) within the Project Area, Conditions of Approval BUOW Pre-Construction Surveys and Reporting, LETH Pre-Construction Surveys and Reporting, and O&M WJT and BACA Avoidance shall be implemented. The Designated Botanist(s) shall perform pre-construction surveys for WJT and BACA to identify all previously protected in-place WJT and BACA and any newly germinated WJT individuals and/or BACA pups or pads within the Work Area and access routes to the Work Area. The pre-construction survey report shall include, but not be limited to, date and time of each of the surveys, results, discussion, map of all WJT and BACA identified in the Work Area(s) and which will be avoided, encroached upon, or removed per Condition of Approval O&M WJT and BACA Avoidance.

Vegetation maintenance activities conducted during the O&M Phase that occur in the following areas do not require a pre-construction survey for WJT and BACA: 1) between and immediately adjacent to (within 25 feet) the constructed solar arrays; and 2) road maintenance activities that occur within the existing, maintained, road alignment.

Permittees shall submit the pre-construction survey report to CDFW per Condition of Approval CDFW Notification and Report Submittal prior to starting the O&M Covered Activities.

- 7.36. O&M BUOW Burrow Avoidance.** If a known or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval BUOW Burrow Avoidance prior to conducting vegetation- or ground-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then Permittees shall follow Conditions of Approval Covered Species Buffer Reduction, BUOW Burrow Blockage, BUOW Excavation, BUOW Mortality Reduction Plan, and BUOW Artificial Burrow Replacement Plan.
- 7.37. O&M LETH Avoidance.** If a LETH individual or nest is identified, LETH avoidance shall occur in accordance with Condition of Approval LETH Avoidance and LETH Nest Monitoring prior to conducting vegetation- or ground-disturbing O&M Covered Activities. If the no-disturbance buffer cannot be established, then Permittees shall follow Conditions of Approval Covered Species Buffer Reduction and LETH Mortality Reduction Plan.
- 7.38. O&M WJT and BACA Avoidance.** If mature or seedling sprouts of WJT, or pups, or pads of BACA are identified, WJT and BACA avoidance shall occur in accordance with Conditions of

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

Approval WJT Avoidance and BACA Avoidance prior to conducting vegetation- or ground-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then Permittees shall follow Conditions of Approval Covered Species Buffer Reduction, WJT Translocation Plan, and BACA Translocation Plan.

7.39. O&M Covered Activities Covered Species Observations. During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) or Designated Botanist(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 Covered Species, shall cease immediately until the Covered Species moves from the Project Area of its own accord (if applicable) or the Designated Biologist(s) moves the Covered Species out of harm's way in compliance with Conditions of Approval BUOW Mortality Reduction Plan, LETH Mortality Reduction Plan, WJT Translocation Plan, and BACA Translocation Plan.

7.40. O&M Covered Activities Covered Species Injury. If a BUOW or LETH is injured as a result of conducting O&M Covered Activities, or otherwise found injured in the Project Area, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittees shall identify the facility before starting O&M Covered Activities. Permittees shall bear any costs associated with the care or treatment of such injured Covered Species. Permittees shall notify CDFW of the injury to the Covered Species immediately by phone and email followed by a written incident report within two days calendar days of the incident as described in the Condition of Approval Notification of Take or 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, Permittees shall provide for both the permanent protection and management of a specific **4,730 acres** of Habitat Management (HM) lands pursuant to the Condition of Approval Habitat Management Lands Acquisition and Protection and the calculation and deposit of the management funds pursuant to the Condition of Approval Endowment Fund. Permittees have proposed 4,382 acres of off-site parcels known as AC Warnack, Castle View Ranch, Healy Farms, 40-acre SWHA Nest, and Northrop Pond properties, collectively known as "Dawn Ranch," "Whispering Pines", and 348 acres of on-site parcels known as the WHPA to fulfill this HM lands requirement. Of the 4,382 off-site acres, 4,263 acres occur at Dawn Ranch (Figure

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

3) which is approximately 15 miles south of the Project Area in Los Angeles County and 119 acres occur at Whispering Pines (Figure 4) which is within the administrative boundary of Joshua Tree National Park in San Bernardino County (Figures 2 and 3).

CDFW has conceptually agreed to the biological appropriateness of these collective proposed HM lands parcels which support the Covered Species. These specific proposed HM lands parcels were selected based in part on their proximity to known Covered Species population centers and linkage corridors, critical SWHA nesting areas, as well as their collective creation of a large contiguous area under permanent conservation, specifically the Dawn Ranch Parcels. . Should conservation of these specific **4,730** acres become infeasible, Permittees shall acquire an amendment to the ITP with an alternative mitigation proposal.

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 below, estimated at \$3,200/acre for 4,730 acres: **\$15,136,000.00**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval Conservation Easement: **\$541,100.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval Start-up Activities below, estimated at **\$713,302.00**;
- 8.1.4. Interim management period funding as described in Condition of Approval Interim Management (Initial and Capital) below, estimated at **\$171,425.00**;
- 8.1.5. Long-term management funding as described in Condition of Approval Endowment Fund below, estimated at \$352/acre for 4,730 acres: **\$1,664,960**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

- 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 Condition of Approval Reimburse CDFW, estimated at **\$13,600.00**; and
 - 8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$45,479.00**.
- 8.2. Habitat Management Lands Acquisition and Protection.** Permittees shall provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations as follows:
- 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 Permittees 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 (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207700&inline>). 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. Permittees 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. Management Plan. Submit for CDFW approval a long-term management plan (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) prior to acquisition and/or transfer of the HM lands. This document shall identify the CDFW approved interim and long-term Land Managers and Conservation Easement grantee, the responsibilities for each party, and procedure for transfer of these responsibilities to ensure that the lands are managed in perpetuity for the benefit of the Covered Species;
- 8.2.7. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing;

(5) conducting litter removal; (6) conducting initial habitat enhancement, if applicable; and (7) installing signage;

8.2.8. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittees 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; and

Permittees shall either (1) provide Security to CDFW for the minimum of three years of interim management that the landowner, Permittees, 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 Permittees elect to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittees 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, Permittees shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 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.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

After the interim management period, Permittees 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.

Permittees 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 Permittees' written proposal, CDFW shall inform Permittees 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 Permittees with a written explanation of the reasons for its determination. If CDFW does not provide Permittees 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, Permittees 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 Permittees 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. Permittees shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

endowment assessment and adjust for any additional administrative, periodic, or annual fees.

8.3.2.2. Endowment Buffers/Assumptions. Permittees 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. Permittees 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. Permittees 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.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

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

9.1. Security Amount. The Security shall be in the amount of **\$18,285,866.00** or in the amount identified in the Condition of Approval Cost Estimates specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval Cost Estimates above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW'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 Permittees has failed to comply with the Conditions of Approval of this ITP.

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

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

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

Even if Security is provided, the Permittees 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 Permittees 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 Permittees does not complete these requirements within the specified timeframe.

IX. Amendment:

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

X. Stop-Work Order:

If CDFW determines the Permittees has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittees a written stop-work order instructing the Permittees 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. Permittees shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittees, CDFW may extend any stop-work order issued to Permittees for a period not to exceed 30 additional days.

If Permittees fail 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 Botanist, Designated Monitor, nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Liability:

All terms and conditions of this ITP shall be binding upon each Permittee. Notwithstanding California Civil Code section 1431 or any other provision of law, each Permittee shall be jointly and severally liable for performance of all terms, conditions, and obligations of this ITP and shall be jointly and severally liable for any unauthorized take or other violations of this ITP, whether committed by one or more Permittees or any person acting on behalf of one or more Permittees, including their officers, employees, representatives, agents or contractors and subcontractors. Any failure by one or more Permittees to comply with any term, condition, or obligation herein shall be deemed a failure to comply by all Permittees.

XII. Compliance with Other Laws:

This ITP sets forth CDFW's requirements for the Permittees to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittees are 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 (preferred) at RRR.R4@wildlife.ca.gov, or registered first class mail at the following address, or at addresses CDFW may subsequently provide Permittees. Notices, reports, and other communications shall reference the Project name, Permittees, and ITP Number [2081(b)-2026-008-04] 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
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

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC; DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

Unless Permittees are 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)
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 580-3203
Jim.Vang@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Discovery Solar PV and Storage Project, environmental impact report (EIR) (SCH No.: 2025071048) dated January 2026 that Kern County certified for the Discovery Solar PV and Storage Project on June 16, 2026. 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 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 reduce or avoid 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 found in the ITP application, the lead agency's EIR, 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:

Incidental Take Permit
No. 2081(b)-2026-008-04

DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT

- (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 of a large contiguous area that provides commensurate elevation, that is in an expected climate refugia zone, and that is adjacent to already-preserved lands increasing the collective benefit and connectivity opportunity; (2) establishment of avoidance zones; (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 a specific 4,730 acre-area of compensatory habitat that is contiguous with other protected Covered Species habitat and 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 Permittees' 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) Permittees 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

Incidental Take Permit
No. 2081(b)-2026-008-04

**DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT**

amend the terms and conditions of this ITP without concurrence of the Permittees as necessary to avoid jeopardy and as required by law.

XVI. Attachments:

FIGURE 1	Regional Overview
FIGURE 2	Permit Area and WHPA Area
FIGURE 3	Proposed Habitat Management Lands – Dawn Ranch
FIGURE 4	Proposed Habitat Management Lands – Whispering Pines
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
ATTACHMENT 5	Western Joshua Tree Relocation Guidelines and Protocols

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 9/28/2026

DocuSigned by:

FA03F08FE00945A...

Julie A. Vance, Regional Manager
Central Region

Incidental Take Permit
No. 2081(b)-2026-008-04
**DISCOVERY WEST SOLAR, LLC; DISCOVERY WEST STORAGE, LLC; DISCOVERY WEST SOLAR STORAGE, LLC, DISCOVERY SOLAR PV AND STORAGE, LLC; GALAXY SOLAR STORAGE, LLC; DISCOVERY EAST SOLAR, LLC; DISCOVERY EAST SOLAR STORAGE, LLC; DAYLIGHT IV, LLC; DAYLIGHT V, LLC; DAYLIGHT VI, LLC; DAYLIGHT VII, LLC
DISCOVERY SOLAR PV AND STORAGE PROJECT**

ATTACHMENTS

Figure 1: Regional Overview

Figure 2: Permit Area and WHPA Area

Figure 3: Proposed Habitat Management Lands – Dawn Ranch

Figure 4: Proposed Habitat Management Lands- Whispering Pines

Attachment 1: Mitigation Monitoring and Reporting Program

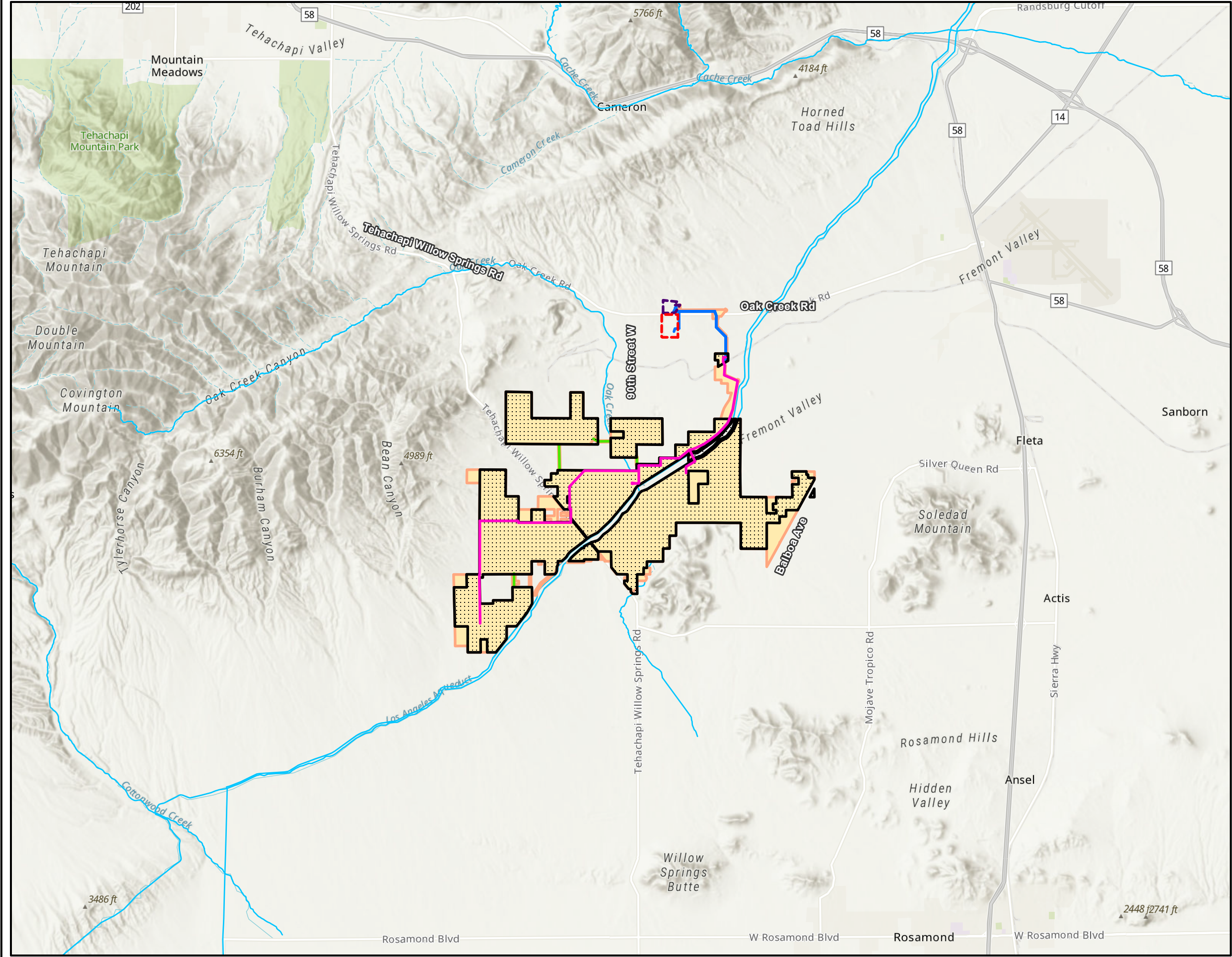
Attachment 2: Biologist Resume Form

Attachment 3: Letter of Credit Form

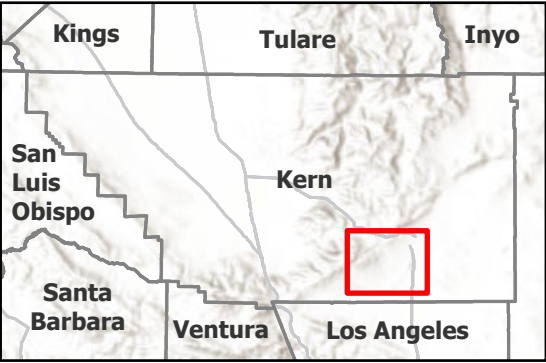
Attachment 4: Mitigation Payment Transmittal Form

Attachment 5: Western Joshua Tree Relocation Guidelines and Protocols

FIGURE 1
Regional Overview



Discovery Solar PV and Storage Project
Kern County, CA
Figure 1. Regional Overview



- Windhub High-voltage Substation (Existing)
- Watercourse
- Proposed Project Features**
 - Project Site
 - Study Area
 - Gen-tie Line (New)
 - Medium-voltage/Transmission/Access Easements
- Other Applicant and/or Affiliate Controlled***
 - Step-up HV substation
 - Gen-tie Corridor

*Already approved under separate projects.

N

Miles

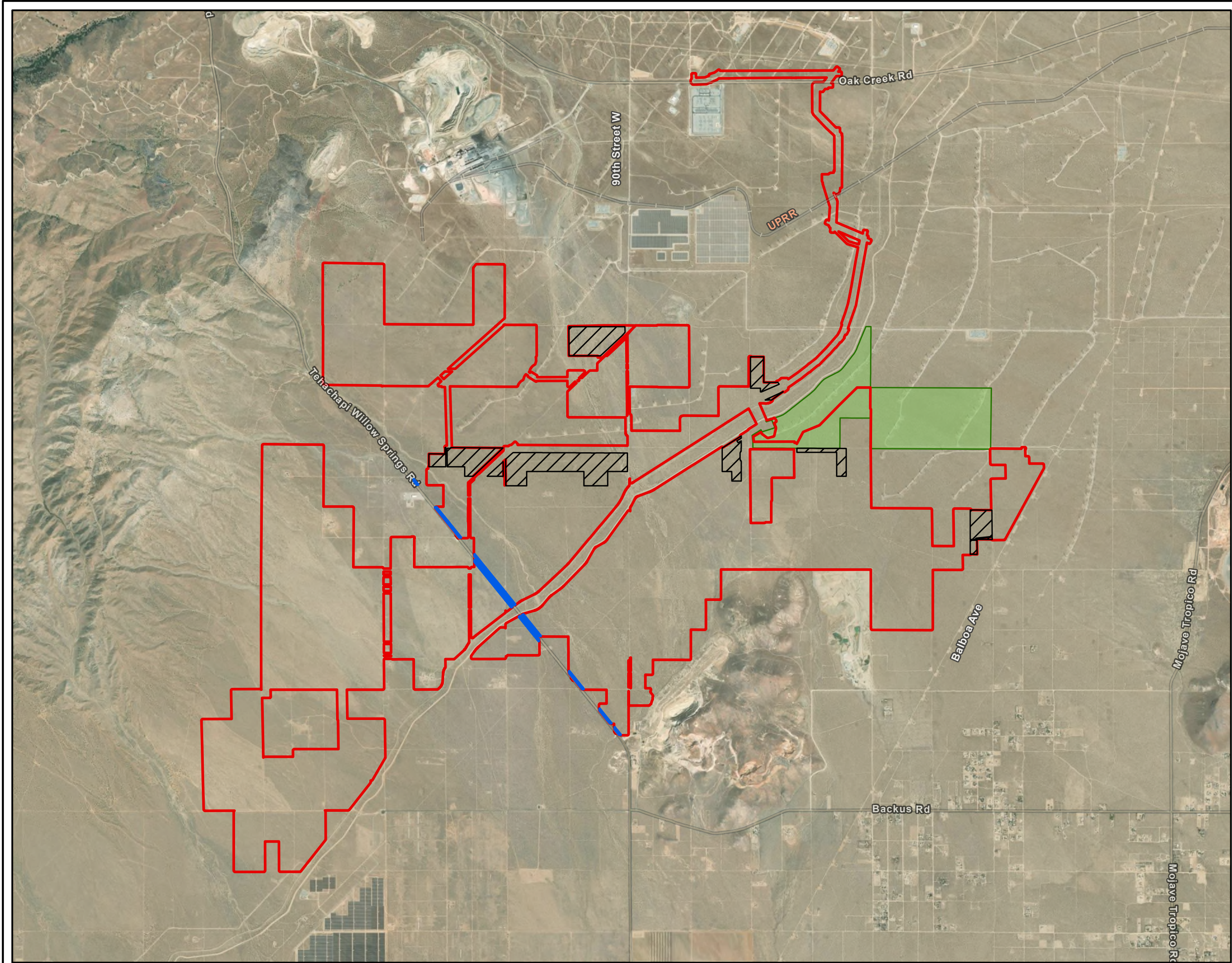
0 0.75 1.5 3

Scale is 1:116,800 when printed at 11"x17"

Not for Construction

FIGURE 2

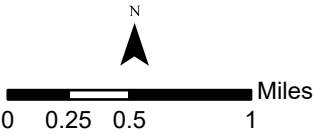
Permit Area and WHPA Area



**Discovery Solar PV and
Storage Project**
Kern County, CA
Figure 2. ITP Permit Area



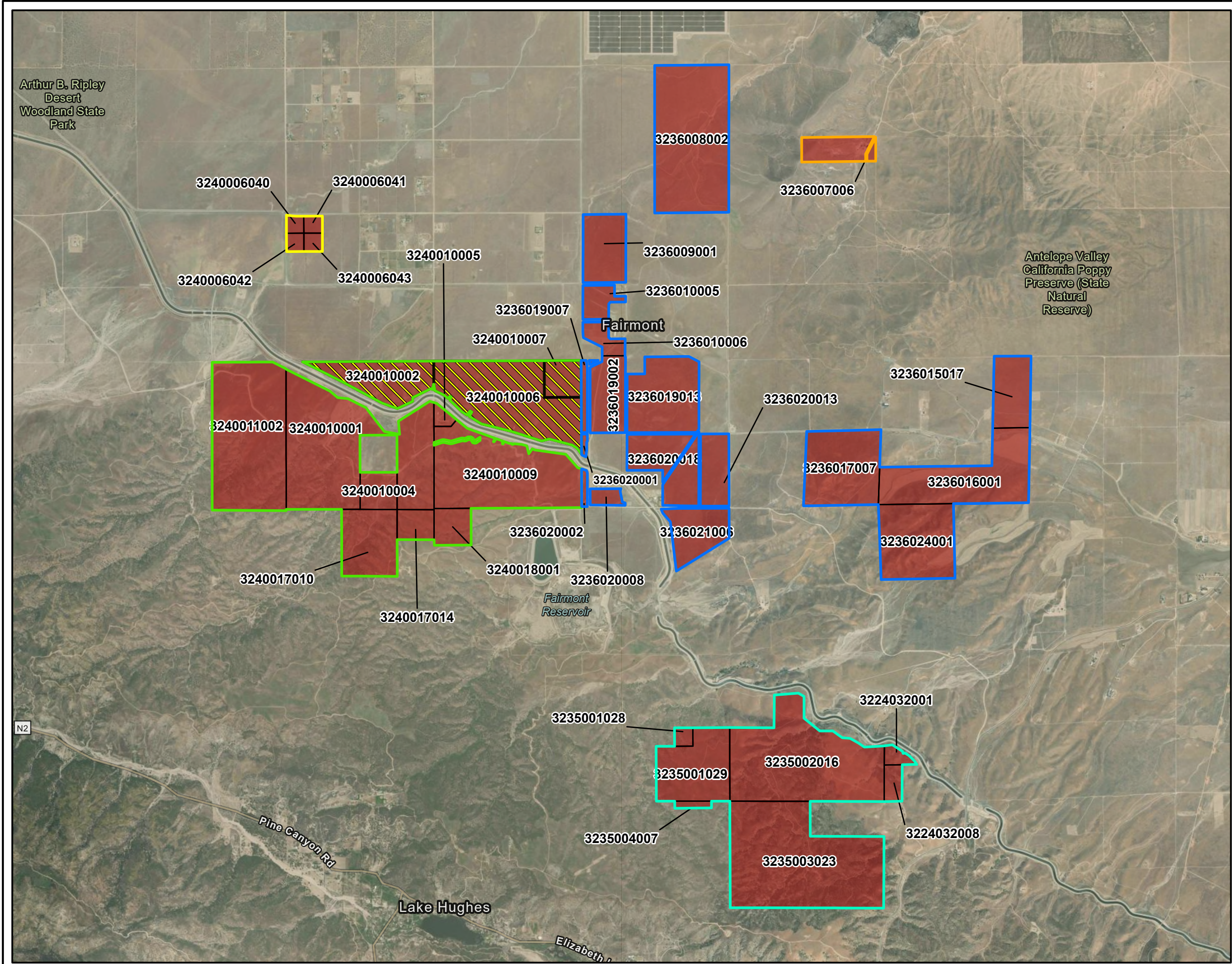
- ITP Permit Area
- 50-foot Vegetated Strip
- Woodland Habitat Preservation Area
- Existing Conservation Easement



Scale is 1:50,000 when printed at 11"x17"
Not for Construction

FIGURE 3

Proposed Habitat Management Lands – Dawn Ranch



**Discovery Solar PV and
Storage Project**
Los Angeles County, CA
**Figure 3. Dawn Ranch
Mitigation Lands**



- Los Angeles County Parcels
- Joshua Tree Relocation Area
- Terra-Gen Mitigation Lands
- Conservation Area**
 - 40-acre SWHA Nest
 - AC Warnack
 - Castle View Ranch
 - Healy Farms
 - Northrop Pond

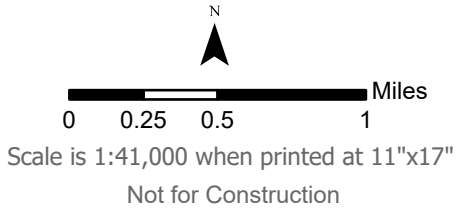
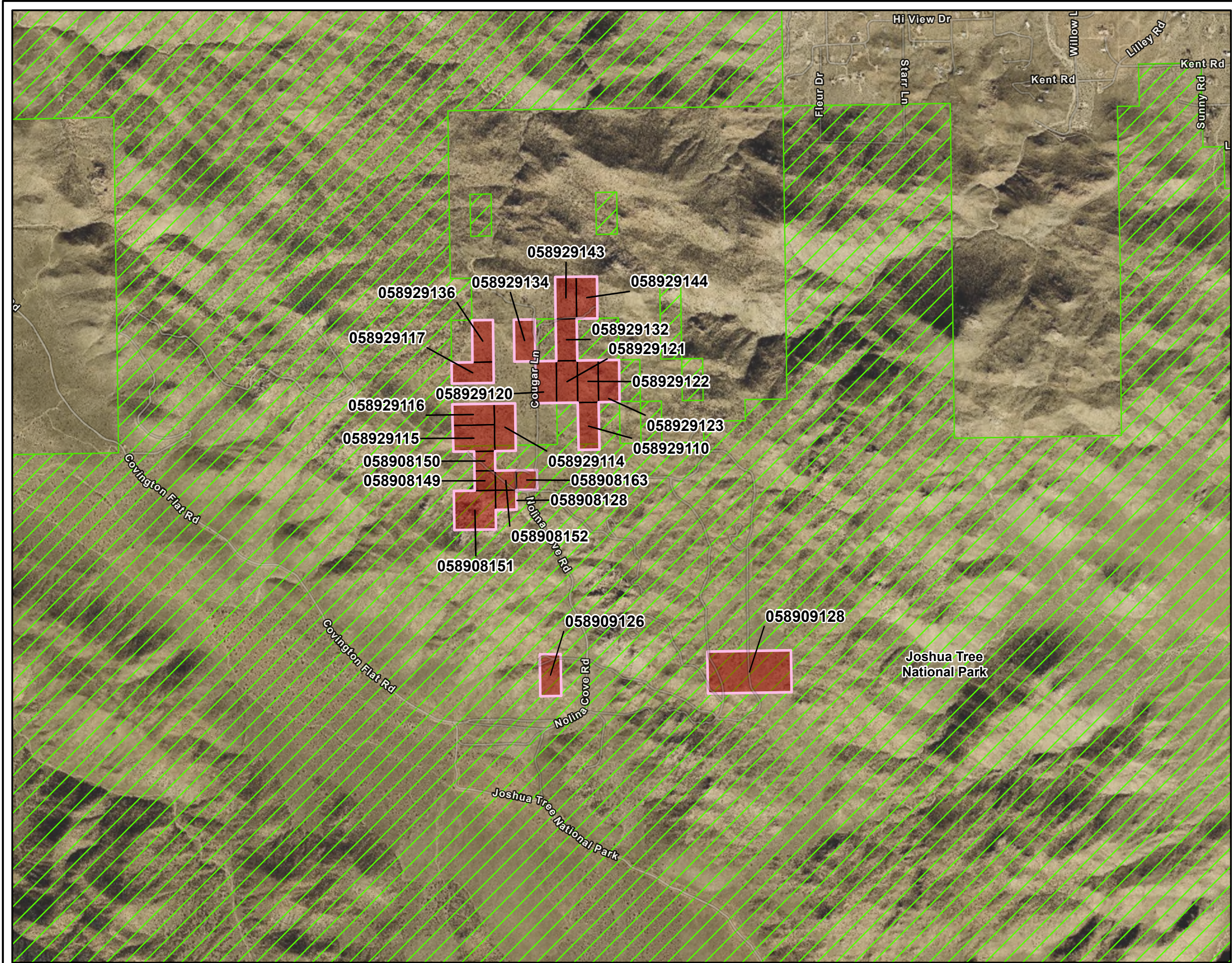


FIGURE 4

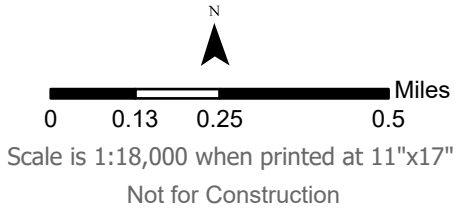
Proposed Habitat Management Lands – Whispering Pines



**Discovery Solar PV and
Storage Project**
San Bernardino County, CA
**Figure 4. Terra-Gen
Mitigation Lands**



- San Bernardino County Parcels
- Terra-Gen Mitigation Lands
- Conservation Area**
 - Whispering Pines
- USA Federal Lands**
 - National Park



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. 2081-2026-008-04

PERMITTEES: Discovery West Solar, LLC; Discovery West Storage, LLC; Discovery West Solar Storage, LLC; Discovery East Solar, LLC; Discovery East Solar Storage, LLC; Daylight IV, LLC; Daylight V, LLC; Daylight VI, LLC; Daylight VII, LLC

PROJECT: Discovery Solar PV and Storage Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittees shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before Starting Covered Activities	Permittees	
2	<u>Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s)</u>. Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information for CDFW review and written approval before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist/Botanist/Monitor) and the requested species for that role. The qualifications and 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. Permittees shall review qualifications before submission to ensure that the proposed Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) meet the description below for each designation. Permittees shall also ensure that the proposed Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) have received a copy of the ITP and any associated CDFW approved Plan required by the ITP. Permittees shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, protocol or other focused survey techniques, construction surveying and monitoring under an ITP, positive field identification, handling, and relocating or other exclusion techniques, as permitted, and the excavation of burrows of the Covered Species. Permittees shall ensure that the Designated Botanist(s) are knowledgeable and experienced in the biology, natural history, life cycle, flowering period, types of reproduction and associated components such as the pollinating Yucca moth, seed caching rodents, and rhizomal growth, and identification of all growth phases (seed, seedling, pre-reproductive, etc.), positive field identification (including potential hybrid individuals), and the excavation, handling, and translocation of the botanical Covered Species. Permittees shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, and construction monitoring of the Covered Species. The Designated Monitor(s) may assist the Designated Biologist(s) and Designated Botanist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) or Designated Botanist(s). The Designated Biologist(s), Designated Botanist(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. Permittees shall obtain approval in advance, in writing, if the Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) must be changed.	ITP Condition # 5.2	Before Starting Covered Activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
3	<u>Designated Biologist(s), Designated Botanist(s) and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s), Designated Botanist(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. Permittees shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) is/are unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittees 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), Designated Botanist(s), or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 5.3	Entire Project	Permittees	
4	<u>Education Program.</u> Permittees shall conduct an education program for all persons employed or otherwise working in the Project Area before starting Covered Activities. The program shall consist of a presentation from the Designated Biologist and Designated Botanist 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. Permittees shall prepare and distribute wallet-sized cards or a fact sheet handout (digital format is acceptable) containing this information for workers to carry in the Project Area. Permittees shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before Starting Covered Activities	Permittees	
5	<u>Construction Monitoring Documentation.</u> The Designated Biologist(s), Designated Botanist(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. Permittees shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittees	
6	<u>Trash Abatement.</u> Permittees shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittees shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	<u>Dust Control</u> . Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s). Permittees shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction activities without specific prior written approval by CDFW. If palliatives are proposed for use within the Project Area, Permittees 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> . Permittees shall not apply dust suppressant, surfactant, soil binder or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.	ITP Condition # 5.7	Entire Project	Permittees	
8	<u>Erosion Control Materials</u> . Permittees shall prohibit use of erosion control materials potentially harmful to Covered Species and other wildlife, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittees shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials. Rock used for road improvement or other purposes shall be no greater than 4 inches in diameter unless the interstitial spaces are filled with 2-inch or smaller diameter rock.	ITP Condition # 5.8	Entire Project	Permittees	
9	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees 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.	ITP Condition # 5.9	Before Starting Covered Activities	Permittees	
10	<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. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.10	Entire Project	Permittees	
11	<u>Staging Areas</u> . Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval <u>Project Access</u> of the ITP.	ITP Condition # 5.11	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	Hazardous Waste. Permittees 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. Permittees 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. Permittees shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within established O&M buildings or designated staging areas and shall not occur within the applicable avoidance distances as defined in Conditions of Approval <u>BUOW Burrow Avoidance</u> , <u>LETH Avoidance</u> , <u>WJT Avoidance</u> , and <u>BACA Avoidance</u> , unless approved in advance and in writing by CDFW.	ITP Condition # 5.12	Entire Project	Permittees	
13	CDFW Access. Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees' control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.13	Entire Project	Permittees	
14	Refuse Removal. Upon completion of Covered Activities, Permittees shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.14	Upon Completion of Covered Activities	Permittees	
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.	ITP Condition # 5.15	Entire Project	Permittees	
16	Pesticide Use and Prohibition. Permittees shall not use pesticides including but not limited to rodenticides, herbicides, and insecticides on the Project Area without prior written approval from CDFW. Permittees shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area. If pesticides must be used, Permittees shall consult with CDFW and obtain written approval from CDFW before any pesticide use. Permittees 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. Permittees 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 speed are less than 10 miles per hour and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittees shall consult with CDFW and obtain written approval from CDFW before using any herbicides.	ITP Condition # 5.16	Entire Project	Permittees	
17	Dogs. Permittees 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 post-construction vegetation maintenance, or other similar need, when the dogs are under the direct supervision of the handler. The use of guardian dogs will not be approved.	ITP Condition # 5.17	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>Firearm Prohibition</u> . Construction personnel shall not be permitted to bring firearms into the Project Area.	ITP Condition # 5.18	Entire Project	Permittees	
19	<u>Wildfire Avoidance</u> . Permittees or Permittees' contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and heavy 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 worker education program described in Condition of Approval <u>Education Program</u> above.	ITP Conditions # 5.19	Entire Project	Permittees	
20	<u>Permanent Security Fencing Plan</u> . Permittees shall submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative and Regional Office identified in Condition of Approval <u>Quarterly Compliance Report (Construction Phase)</u> . The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel "blocks" and the Project Area as a whole (excluding the O&M building, BESS, and substation), shall be modified to allow for small animal permeability following the construction phase by leaving a 4 to 6-inch gap from the ground to the bottom of the fence, or other design approved by CDFW. Permittees shall ensure vegetation, debris, and materials do not block fence impacting permeability.	ITP Conditions # 5.20	Before Starting Covered Activities	Permittees	
21	<u>On-Site Drainage Basin Entrapment Prevention</u> . Permittees shall ensure that final design of the on-site stormwater drainage basins have adequate elements to ensure that Covered Species can escape should one inadvertently enter the basin or elements designed to preclude entry. Permittees shall submit a Basin Design Plan with elements necessary for Covered Species escape and/or entry prevention for review and approval by CDFW prior to implementation of Covered Activities related to basin construction and/or installation. Permittees shall ensure that stormwater retention basins' wildlife escape and prevention materials, as applicable, are maintained in effective condition. Maintenance inspections of these features shall be conducted as appropriate. Should any failures be discovered, Permittees shall make necessary repairs immediately to ensure that Covered Species can escape or are prevented from entry. If permanent repairs cannot be immediately completed (within 24 hours) then temporary repairs shall be put in place until the permanent repair can be reasonably completed. Inspection of temporary repairs shall be completed daily to ensure effectiveness of wildlife escape and/or entry exclusion until the permanent repair can be completed.	ITP Conditions # 5.21	Before Starting Covered Activities/Entire Project	Permittees	
22	<u>Notification Before Commencement and Pre-Construction Survey</u> . The Designated Representative shall notify CDFW before starting construction phase and O&M phase Covered Activities. The Notification shall include the pre-construction survey results, in accordance with Conditions of Approval <u>BUOW Pre-Construction Surveys and Reporting</u> , <u>LETH Pre-Construction Surveys and Reporting</u> , <u>WJT Pre-Construction Surveys and Reporting</u> , and <u>BACA Pre-Construction Surveys and Reporting</u> , and <u>O&M Vegetation- or Ground-Disturbing Covered Activities</u> , and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Conditions # 6.1	Before Starting Covered Activities	Designated Representative	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	<u>Lapse in Continuity of Work Activities</u> . Should an unplanned or planned lapse of Covered Activities occur for more than 30 calendar days, a new Notification Before Commencement and Pre-Construction Surveys shall be performed and submitted per Condition of Approval Notification Before Commencement and Pre-Construction Survey above.	ITP Conditions # 6.2	Before Starting Covered Activities	Permittees	
24	<u>Notification of Non-Compliance</u> . The Designated Representative, Designated Biologist(s), or Designated Botanist(s), shall immediately notify CDFW if the Permittees are 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 or Designated Biologist or Designated Botanist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Conditions # 6.3	Entire Project	Designated Representative, Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<u>Compliance Monitoring.</u> The Designated Biologist(s), Designated Botanist(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. At least one Designated Biologist or Designated Botanist for each Covered Species shall be on-site daily, for the duration of each day that vegetation- or ground-disturbing Covered Activities occur. The Designated Biologist(s) and Designated Botanist(s) shall be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night. Vegetation- and ground-disturbing activities include any action that modifies the existing vegetated surface or ground. Examples include the use of string trimmers, mowing, application of herbicide, washing of solar panels, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) shall otherwise be on-site during the construction period at least monthly during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist(s), Designated Botanist(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 the 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; (6) maintain an on-going account of the number of acres that are permanently disturbed by the Project; and (7) document the Covered Activities that occurred. The Designated Representative, Designated Biologist(s), Designated Botanist(s), and 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.	ITP Conditions # 6.4	Before Starting Covered Activities/Entire Project	Designated Representative, Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	CDFW Notification and Report Submittal. 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 (Jim.Vang@wildlife.ca.gov), Regional Office (RRR.R4@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov . If requested, hard copies may be mailed to the CDFW offices listed in the Notices section of the ITP.	ITP Condition # 6.5	Entire Project	Permittees	
27	<u>Quarterly Compliance Report (Construction Phase)</u> . The Designated Representative, Designated Biologist(s), or Designated Botanist(s), shall compile the observation and inspection records identified in Condition of Approval <u>Compliance Monitoring</u> into a Quarterly Compliance Report (QCR) during the initial construction and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u> no later than the 15 th 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 Permittees in writing of the new reporting schedule.	ITP Condition # 6.6	Entire Project	Designated Representative, Designated Biologist(s), Designated Botanist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>Annual Status Report (Construction Phase and O&M Phase)</u>. Permittees shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year, for the previous calendar year (Reporting Period), beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. Each ASR shall include, at a minimum: (1) a summary of all QCRs for the Reporting Period during the Construction Phase (Condition of Approval <u>Quarterly Compliance Report (Construction Phase)</u>); (2) a record of the Education Program training sessions provided over the reporting year (Condition of Approval <u>Education Program</u>); (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period; (4) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow 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; (8) (Only during the Construction Phase) a written and mapped accounting of the number of acres subject to both temporary and permanent disturbance, both for the Reporting Period, and a total since ITP issuance; and (9) information about other Project impacts on the Covered Species.	ITP Condition # 6.7	Entire Project	Permittees	
29	<u>CNDDDB Observations</u>. The Designated Biologist(s) and Designated Botanist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within a minimum of 60 calendar days of the observation. During the Construction Phase, the Designated Biologist(s) and Designated Botanist(s) shall include copies of the submitted forms with the next QCR or ASR, whichever is submitted first relative to the observation. During the O&M Phase, the Designated Biologist(s) or Designated Botanist(s) shall include copies of the submitted forms with the next ASR.	ITP Condition # 6.8	Entire Project	Designated Biologist(s), Designated Botanist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<u>Vegetation Control Plan</u> . No later than 45 calendar days after completion of all Construction Phase Covered Activities, Permittees shall submit a Vegetation Control Plan to CDFW for review and approval. The Vegetation Control Plan shall describe management strategies for vegetation control through mowing, sheep and/or goat grazing, herbicide use, etc. Strategies will target reducing wildfire risk and optimal Covered Species vegetation height and densities to the extent practicable to maximize the potential for any residual habitat value for Covered Species within the Project Area during the O&M phase.	ITP Condition # 6.9	Entire Project	Permittees	
31	<u>Construction Phase Conditions of Approval Evaluation Report</u>. No later than 45 days after completion of all initial construction activities for the solar site and gen-tie line, Permittees 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>. The Construction Phase Conditions of Approval Evaluation Report shall include, at a minimum: (1) a summary of all QCRs and all ASRs; (2) beginning and ending dates of covered activities for the construction phase; (3) a copy of the table in this MMRP with notes showing when each of the Construction Phase conditions were implemented and an assessment of the effectiveness of each of the ITP's 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.	ITP Condition # 6.10	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<u>Final Mitigation Report</u>. No later than 45 calendar days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in Condition of Approval <u>CDFW Notification and Report Submittal</u>. The Final Mitigation Report shall include, at a minimum: (1) a summary of all QCRs and ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.11	Post-construction	Permittees	
33	<u>As-Built Development Plans</u>. No later than 45 calendar days after completion of all initial Construction Phase Covered activities, Permittees shall submit as-built development plans following the direction 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 and shall be verified by the Designated Biologist(s) and Designated Botanist(s).	ITP Condition # 6.12	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	<u>Notification of Take or Injury.</u> Permittees shall immediately notify the Designated Biologist(s) or Designated Botanist(s) if a Covered Species of any life stage (including eggs/nest abandonment) is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead, injured, or damaged within the vicinity of the Project. The Designated Biologist(s), Designated Botanist(s), or Designated Representative shall provide initial notification to CDFW via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, number of animals or plants taken, injured, or damaged and the ITP Number. If a western burrowing owl or LeConte's thrasher is found deceased, the Designated Biologist(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted or follow any approved storage or transport methods in the CDFW-approved <u>BUOW Mortality Reduction Plan</u> and <u>LETH Mortality Reduction Plan</u> as applicable. Following initial notification, Permittees 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, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.13	Entire Project	Permittees	
35	<u>Designated Biologist(s) or Designated Botanist(s) On Site.</u> The Designated Biologist(s) or Designated Botanist(s) shall be on site during all activities that may result in the take of the applicable Covered Species and in accordance with Condition of Approval <u>Compliance Monitoring</u>.	ITP Condition # 7.1	Entire Project	Designated Biologist(s), Designated Botanist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	<u>Work Hours.</u> Permittees shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary: (1) planned and unplanned maintenance and quality assurance/control activities, repair and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized; (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine maintenance or repairs requiring immediate attention; (3) security patrols; (4) refueling equipment and staging material for the following day's construction activities; and (5) concrete pouring. Permittees 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 as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.	ITP Condition # 7.2	Entire Project	Permittees	
37	<u>Vehicle Parking.</u> Permittees shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per Conditions of Approval <u>BUOW Burrow Excavation</u>. Vehicles left overnight shall be located outside the applicable avoidance buffers as defined in Conditions of Approval <u>BUOW Burrow Avoidance</u>.	ITP Condition # 7.3	Entire Project	Permittees	
38	<u>Vehicle 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) or Designated Botanist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) or Designated Botanist(s) shall move the Covered Species out of harm's way in compliance with the approved Covered Species Mortality Reduction and Relocation Plans required in Condition of Approval <u>BUOW Mortality Reduction Plan</u>, <u>LETH Mortality Reduction Plan</u>, <u>WJT Translocation Plan</u>, and <u>BACA Translocation Plan</u>.	ITP Condition # 7.4	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<u>Pipe and Materials Inspection</u> . Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, 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(s) shall move the Covered Species out of harm's way in compliance with the approved Covered Species Mortality Reduction and Relocation Plans required in Conditions of Approval <u>BUOW Mortality Reduction Plan</u> and <u>LETH Mortality Reduction Plan</u> .	ITP Condition # 7.5	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	<u>Excavation Inspection.</u> The Designated Biologist(s) or Designated Monitor(s) shall inspect all trenches, open holes, sumps, and other excavations (collectively, Excavations) within the Project Area for Covered Species and other trapped animals every day. 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. • <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. • <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. If a worker discovers a Covered Species has become trapped, Permittees shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plans required in Conditions of Approval <u>BUOW Mortality Reduction Plan</u> and <u>LETH Mortality Reduction Plan</u>.	ITP Condition # 7.6	Entire Project	Designated Biologist(s), Designated Monitor(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
41	<u>Covered Species Observations and Notification.</u> All workers shall inform the Designated Biologist(s) or Designated Botanist(s) if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All Covered Activities in the vicinity of the Covered Species, which could take, injure, or damage the animal or plant, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist(s) or Designate Botanist(s) moves the Covered Species out of harm's way in compliance with Conditions of Approval <u>BUOW Mortality Reduction Plan</u>, <u>LETH Mortality Reduction Plan</u>, <u>WJT Translocation Plan</u>, and <u>BACA Translocation Plan</u>. Permittees shall notify CDFW within 24 hours of discovery of a Covered Species within the Project Area via e-mail to the Regional Representative and Regional Office identified in Condition of Approval <u>CDFW Notification and Report Submittal</u> above. The notification shall include the name of the Covered Species, the name of the individual who discovered the species, a map showing where the Covered Species was found, and photographs if possible.	ITP Condition # 7.7	Entire Project	Permittees	
42	<u>Covered Species Buffers and Buffer Reductions.</u> The buffers prescribed in the below Conditions of Approval <u>BUOW Burrow Avoidance</u>, <u>LETH Avoidance</u>, <u>WJT Avoidance</u>, and <u>BACA Avoidance</u> shall not be reduced or otherwise modified without prior written CDFW approval. Sturdy, highly visible, orange plastic construction avoidance temporary fencing, or other materials approved in writing by CDFW, shall be installed around avoidance areas and located in accordance with direction from the Designated Biologist(s)Designated Botanist(s). Fencing shall be permeable and/or raised to allow for the movement of wildlife and to encourage natural soil movement and deposition patterns. Fencing shall be securely staked and installed in a durable manner that will be reasonably expected to withstand wind and weather events and last through the Construction Phase and O&M Phase when located adjacent to maintenance work areas. Fencing shall be inspected at least twice per week, even during periods of inactivity, and maintained and/or replaced as necessary to prevent fence-generated litter. Fencing shall be removed upon completion of Covered Activities in the Work Area. If the Designated Biologist(s) determines that specific Covered Activities are not likely to affect the Covered Species due to the nature of the specific Covered Activities and/or due to objects or, for example, topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the den or burrow, or if additional exclusion methods (e.g., exclusion fence strategies, monitoring, etc.) will be performed, then the Designated Biologist(s) may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.	ITP Condition # 7.8	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	<u>BUOW Mortality Reduction Plan</u>. Permittees shall submit a BUOW Mortality Reduction Plan, prepared by an approved BUOW Designated Biologist(s), to CDFW for written approval before starting Covered Activities. BUOW exclusion and burrow excavation shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: (1) detailed description of survey methodology; (2) detailed burrow exclusion and excavation methods; (3) proposed Covered Activities that may be performed within BUOW avoidance buffers; (4) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and (5) procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologist(s), or personnel following directions from and under the direct supervision of the Designated Biologist(s), are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling or capture is prohibited, except as otherwise authorized in the ITP. Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless CDFW determines that updates are needed to reflect best available science in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications. The BUOW Mortality Reduction and Relocation Plan shall be submitted to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u>.	ITP Condition # 7.9	Before Starting Covered Activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<u>BUOW Artificial Burrow Replacement Plan</u>. Permittees 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. Permittees shall submit a BUOW Artificial Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u> no more than 120 calendar days after starting Covered Activities. The BUOW Artificial Burrow Replacement Plan shall include, but not be limited to: (1) a discussion and map of potential artificial burrow replacement locations; (2) description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances, etc.); (3) artificial burrow installation methods; (4) long-term (life of the ITP) artificial burrow maintenance methods; and (5) timing of BUOW burrow installation/construction. Once the BUOW Artificial Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless CDFW determines that updates are needed to reflect best available science in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Artificial Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to the implementation of any proposed modifications.	ITP Condition # 7.10	Before Starting Covered Activities	Permittees	
45	<u>BUOW Pre-Construction Surveys and Reporting</u>. The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all known and/or nesting BUOW burrows (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) within 30 calendar days prior to beginning Covered Activities in the Project Area. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area or discreet Work Area(s), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any known or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval <u>BUOW Burrow Blockage</u> and <u>BUOW Burrow Excavation</u>, unless avoided per the Condition of Approval <u>BUOW Burrow Avoidance</u>. Permittees 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 per Condition of Approval <u>CDFW Notification and Report Submittal</u>. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known or nesting).	ITP Condition # 7.11	Before Starting Covered Activities	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	<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, any discreet Work Area(s) title, north arrow, scale bar, and legend.	ITP Condition # 7.12	Before Starting Covered Activities	Designated Biologist(s)	
47	<u>BUOW Burrow Avoidance</u>. The Permittees shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines: - If a <u>known BUOW burrow</u> (a burrow that shows evidence the burrow is being used, known to have been used, or past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittees 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). - If a <u>nesting BUOW burrow</u> used for nesting (e.g. known BUOW burrow indications of the presence of an adult pair, mating behaviors, eggs, chicks, dependent young, and/or brooding or egg incubation, etc.) is discovered within or immediately adjacent to the Project Area, the Permittees shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31). If BUOW burrows cannot be avoided as described above, then the Permittees shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u>, <u>BUOW Burrow Blockage</u>, <u>BUOW Burrow Excavation</u>, <u>BUOW Mortality Reduction Plan</u>, and <u>BUOW Artificial Burrow Replacement 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.	ITP Condition # 7.13	Before Starting Covered Activities/Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	BUOW Burrow Blockage. Where CDFW has approved a buffer reduction, the Permittees may block rather than destroy any known (not nesting) BUOW burrow located within the buffer distances prescribed by the Condition of Approval <u>BUOW Burrow Avoidance</u> within the Project Area, but outside the discrete Work Areas(s) where vegetation- or ground-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with wildlife cameras and determined that BUOW is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. 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 regain access to the burrow, the Permittees 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.	ITP Condition # 7.14	Entire Project	Permittees	
49	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 <u>BUOW Burrow Avoidance</u> and <u>Covered Species Buffer Reduction</u> and that are within the Project Area or discrete Work Area(s). Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area or discrete Work Area(s). If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittees shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow. - Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after four consecutive 24-hour periods of wildlife camera monitoring. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside. - BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and/or the parents and then only after written concurrence from CDFW.	ITP Condition # 7.15	Before Starting Covered Activities	Designated Biologist(s), Designated Monitor(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	<u>LETH Mortality Reduction Plan</u>. Permittees shall submit a LETH Mortality Reduction Plan, prepared by an approved LETH Designated Biologist(s), to CDFW, per Condition of Approval <u>CDFW Notification and Report Submittal</u>, for written approval before starting Covered Activities. The LETH Mortality Reduction Plan shall include, but not be limited to: (1) detailed description of survey methodology; (2) detailed description of capture, handling, and transport methods of eggs and/or chicks in the case of nest abandonment; (3) methods to return LeConte's thrasher back into the wild; (4) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to provide care/treatment to injured LETH and care for eggs, hatchlings, and fledglings; and (5) procedure for collection and storage of LETH carcasses. The Permittees shall fund the recovery and release of the LETH nestlings. Once the LETH 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 in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the LETH Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.	ITP Condition # 7.16	Before Starting Covered Activities	Permittees	
51	<u>LETH Pre-Construction Surveys and Reporting</u>. The Designated Biologist shall conduct pre-activity transect surveys throughout the Project Area and 500 feet (where feasible) beyond the limits of the Project Area or discreet Work Area(s) to detect LETH individuals and/or LETH nests. Permittees shall provide the survey results to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u> prior to starting Covered Activities. The report shall include but not be limited to methodology, survey date, time of survey, weather conditions, number of LETH detected, and a discussion and map of the locations of detections. If LETH individuals are detected during pre-activity surveys and vegetation removal will occur during the nesting season, the Designated Biologist(s) shall conduct surveys for active nests and/or breeding pairs during the breeding season (January 1 through June 15) within 14 days of beginning vegetation removal activities. The breeding season survey shall occur throughout the Project Area or discreet Work Area(s) and 500 feet beyond the limits of the Project Area. The Designated Biologist or Designated Representative shall provide the LETH nest survey results to CDFW, per Condition of Approval <u>CDFW Notification and Report Submittal</u>, in a written report with map prior to starting Covered Activities. The report shall include, but not be limited to, methodology, survey date(s), time of survey(s), weather conditions, number of LETH nests detected, map of the nest locations, and a discussion of the apparent status of each nest.	ITP Condition # 7.17	Before Starting Covered Activities	Designated Biologist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<u>LETH Vegetation Removal</u> . The Permittees shall not remove vegetation within the range of LETH unless outside of the breeding season, and only after surveys are completed as described in Condition of Approval <u>LETH Pre-Construction Surveys</u> .	ITP Condition # 7.18	Before Starting Covered Activities	Permittees	
53	<u>LETH Avoidance</u> . The Permittees shall ensure that no Covered Activities occur within 500 feet of a LETH nest during the breeding season (January 1 through June 15). The Permittees shall not allow worker foot traffic, water and restroom facilities, employee break areas (permanent or temporary), and worker vehicle parking within 500 feet of any LETH nest. The 500-foot no-disturbance buffer shall remain until the young have fledged, the young are no longer reliant on the nest or parents, and no further sign of nesting is observed. If LETH nests cannot be avoided as described above, then Permittees shall follow the Conditions of Approval <u>Covered Species Buffer Reduction</u> and <u>LETH Mortality Reduction Plan</u> . If LETH are visibly stressed by the Covered Activities or workers in the vicinity after the no-disturbance buffer is 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 LETH.	ITP Condition # 7.19	Entire Project	Permittees	
54	<u>LETH Nest Monitoring</u> . If a LETH nest is located at or within 500 feet of the Project Area or discreet Work Area(s), the Designated Biologist(s) shall be present daily for the entire duration of Covered Activities to monitor LETH behavior. The Designated Biologist(s) shall order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (excessive vocalization [distress calls], agitation, failure to remain on nest for an extended time period, failure to maintain nest, failure to deliver food items to hatchlings for an extended period of time, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittees 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.	ITP Condition # 7.20	Entire Project	Designated Biologist(s)	
55	<u>WJT Pre-Construction Surveys and Reporting</u> . The Designated Botanist(s) shall perform pre-construction surveys for WJT prior to beginning vegetation- or ground-disturbing activities within the Project Area or discreet Work Area(s). These surveys shall include the identification of and subsequent flagging/fencing/demarcating of the WJT to be translocated per Condition of Approval <u>WJT Translocation Plan</u> . Permittees shall provide the pre-construction survey report to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u> prior to starting Covered Activities in each Work Area. The pre-construction survey report shall include, but not be limited to, methodology, date and time of survey, results, discussion, and a map of the locations of the WJT to be translocated.	ITP Condition # 7.21	Before Starting Covered Activities	Designated Botanist(s)	
56	<u>WJT Avoidance</u> . In areas where allowing existing mature trees to stay or sprouts to mature would not pose operational risk, Permittees shall either implement a 50-foot avoidance buffer for each of these individual WJT or submit a written buffer reduction request per Condition of Approval <u>Covered Species Buffer Reduction</u> to protect these individuals in place.	ITP Condition # 7.22	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	<u>WJT Translocation Plan</u>. Prior to conducting Covered Activities, Permittees shall submit a WJT Translocation Plan to CDFW for review and approval, per Condition of Approval <u>CDFW Notification and Report Submittal</u>, which shall include at a minimum: (1) impact minimization measures (including protecting individuals in place where feasible in accordance with Condition of Approval <u>WJT Avoidance</u>; (2) relocation methods for a minimum of 10,000 WJT live individuals in accordance with the Western Joshua Tree Relocation Guidelines and Protocols (Attachment 5) or other updated prevailing CDFW-approved guidance; (3) methods of seed or fruit collection if applicable; (4) methods of topsoil salvage if applicable; and (5) a map and legal description of the proposed receiver site(s) for WJT individual(s) and/or topsoil, seeds, or fruits, and a proposed permanent conservation mechanism that will protect the receiver site(s) from development in perpetuity. Any proposed changes to the approved WJT Translocation Plan shall be submitted in writing to CDFW and shall be approved in writing by CDFW prior to implementation of the proposed modifications. In the event of any conflict or inconsistency between the terms of the WJT Translocation Plan and the WJT Relocation Guidelines, the ITP and the WJT Translocation Plan shall control. The ITP authorizes Permittees to undertake all activities necessary to remove the WJT individuals to be relocated, transport them off the Project Area, and transplant them at the receiver site consistent with the WJT Translocation Plan.	ITP Condition # 7.23	Before Starting Covered Activities	Permittees	
58	<u>BACA Pre-Construction Surveys and Reporting</u>. The Designated Botanist(s) shall perform pre-construction surveys for BACA prior to beginning vegetation- or ground-disturbing activities within the Project Area or discreet Work Area(s). These surveys shall include the identification of and subsequent flagging/fencing/demarcating of the BACA to be translocated per Condition of Approval <u>BACA Translocation Plan</u>. Permittees shall submit a report documenting the results of the pre-construction surveys to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u> prior to starting Covered Activities in each Work Area. The pre-construction survey report shall include, but not be limited to, methodology, date and time of survey, results, discussion, and a map of the locations of the BACA to be translocated.	ITP Condition # 7.24	Before Starting Covered Activities	Designated Botanist(s)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
59	<u>BACA Avoidance</u> . Permittees may remove the approximate 1,295 cactus clumps that have potential to be BACA or beavertail-BACA hybrids, previously identified within the Project Area where they conflict with Covered Activities. In areas where allowing existing mature clumps to stay or new pads or pups to mature would not pose operational risk, Permittees shall either implement a 50-foot avoidance buffer for each of these individual BACA or submit a written buffer reduction request per Condition of Approval <u>Covered Species Buffer Reduction</u> to protect these individuals in place.	ITP Condition # 7.25	Entire Project	Permittees	
60	<u>BACA Translocation Plan</u>. Prior to conducting Covered Activities, Permittees shall submit a BACA Translocation Plan to CDFW, per Condition of Approval <u>CDFW Notification and Report Submittal</u>. Translocation activities shall not proceed until the Translocation Plan has been approved in writing by CDFW's Regional Representative. The Translocation Plan shall include, at a minimum: (1) excavation methods for at least the 183 BACA clumps that are above 3,300-foot elevation, and equipment and tools to be used; (2) proposed timing of when translocation activities will occur; (3) holding and transportation parameters; (4) identification of transplant receiving areas (e.g. WHPA); and (5) replanting methods. Only the Designated Botanist or approved Biological Monitors under the direct supervision of the Designated Botanist are authorized to translocate BACA. Once the BACA Translocation Plan is approved, it shall be used for the duration of the ITP. Any proposed changes to the approved Translocation Plan shall be submitted in writing to CDFW and approved in writing by CDFW prior to implementation of the proposed modifications. The Designated Botanist shall translocate BACA individuals that cannot be avoided prior to the start of Covered Activities in the Project Area or each discreet Work Area. The Designated Botanist shall translocate the BACA to the WHPA and/or other offsite conserved lands in accordance with the BACA Translocation Plan approved by CDFW. Covered Species translocation shall not begin until CDFW has provided written approval to proceed with Covered Species translocation.	ITP Condition # 7.26	Before Starting Covered Activities	Permittees	
61	<u>O&M Covered Activities</u> . Permittees shall implement all Conditions of Approval <u>General Provisions</u> and <u>Monitoring, Notification and Reporting Provisions</u> of the ITP for all O&M Covered Activities as applicable.	ITP Condition # 7.27	Post-construction	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<u>O&M Covered Activities Designated Biologist(s), Designated Botanist(s), and Designated Monitor(s) On-site.</u> The CDFW-approved Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s) shall be on-site daily during all vegetation- or ground-disturbing activities and shall be on-site during all non-emergency vegetation or ground-disturbing Covered Activities performed at night.	ITP Condition # 7.28	Post-construction	Designated Biologist(s), Designated Botanist(s), or Designated Monitor(s)	
63	<u>O&M Covered Activities Work Hours.</u> Permittees 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 Covered Species-specific take minimization measures as applicable. Permittees shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.	ITP Condition # 7.29	Post-construction	Permittees	
64	<u>O&M Covered Activities Vehicle Parking.</u> During all O&M Covered Activities or Covered Species-specific take minimization measures, Permittees shall not allow vehicles to park on top of or immediately adjacent to potential Covered Species burrows or nests. Vehicles left overnight shall be located the applicable avoidance distances as defined in Conditions of Approval <u>BUOW Burrow Avoidance</u> , <u>LETH Avoidance</u> , <u>WJT Avoidance</u> , and <u>BACA Avoidance</u> .	ITP Condition # 7.30	Post-construction	Permittees	
65	<u>O&M Covered Activities Vehicle and Equipment Inspection.</u> During the O&M phase, workers shall inspect for avian Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If an avian 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 passively encourage the avian Covered Species to move away from the vehicle or equipment, in compliance with the timing and methods identified in the Conditions of Approval <u>BUOW Mortality Reduction Plan</u> and <u>LETH Mortality Reduction Plan</u> .	ITP Condition # 7.31	Post-construction	Permittees	
66	<u>O&M Covered Activities Permanent Security Fence Inspection.</u> During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with Condition of Approval <u>Permanent Security Fencing Plan</u> .	ITP Condition # 7.32	Post-construction	Permittees	
67	<u>O&M Covered Activities Pipes and Materials Inspection.</u> Permittees 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 avian Covered Species. Permittees shall not leave any permanent pipes or similar materials or structures open where avian Covered Species may enter them and become trapped. Workers shall thoroughly inspect all such materials for avian Covered Species before they are moved, buried, or capped. If an avian Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. Alternatively, the Designated Biologist may passively encourage or otherwise move the avian Covered Species to move away from the pipes, culverts, or similar structures, in compliance with the timing and methods identified in the Conditions of Approval <u>BUOW Mortality Reduction Plan</u> and <u>LETH Mortality Reduction Plan</u> .	ITP Condition # 7.33	Post-construction	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	<u>O&M Covered Activities Vegetation Maintenance</u> . Permittees shall maintain vegetation on site to an average height conducive to use by avian 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>Pesticide Use</u> and <u>Dogs</u> . Fire roads/fire breaks, access roads, fence lines, O&M buildings, the Project substation, BESS, inverter stations, and the area directly beneath solar panels may be maintained without vegetation. Permittees may request variations to this Condition of Approval by submitting a <u>Vegetation Maintenance Plan</u> to CDFW for review and written approval. A Vegetation Maintenance Plan must be approved in writing prior to implementing a variation.	ITP Condition # 7.34	Post-construction	Permittees	
69	<u>O&M Vegetation- or Ground-Disturbing Covered Activities</u> . Within 30 calendar days prior to starting vegetation or ground-disturbing Covered Activities during the O&M phase in each distinct Work Area(s) within the Project Area, Conditions of Approval <u>BUOW Pre-Construction Surveys and Reporting</u> , <u>LETH Pre-Construction Surveys and Reporting</u> , and <u>O&M WJT and BACA Avoidance</u> shall be implemented. The Designated Botanist(s) shall perform pre-construction surveys for WJT and BACA to identify all previously protected in-place WJT and BACA and any newly germinated WJT individuals and/or BACA pups or pads within the Work Area and access routes to the Work Area. The pre-construction survey report shall include, but not be limited to, date and time of each of the surveys, results, discussion, map of all WJT and BACA identified in the Work Area(s) and which will be avoided, encroached upon, or removed per Condition of Approval <u>O&M WJT and BACA Avoidance</u> . Vegetation maintenance activities conducted during the O&M Phase that occur in the following areas do not require a pre-construction survey for WJT and BACA: 1) between and immediately adjacent to (within 25 feet) the constructed solar arrays; and 2) road maintenance activities that occur within the existing, maintained, road alignment. Permittees shall submit the pre-construction survey report to CDFW per Condition of Approval <u>CDFW Notification and Report Submittal</u> prior to starting the O&M Covered Activities.	ITP Condition # 7.35	Designated Botanist(s)	Permittees	
70	<u>O&M BUOW Burrow Avoidance</u> . If a known or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval <u>BUOW Burrow Avoidance</u> prior to conducting vegetation- or ground-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then Permittees shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u> , <u>BUOW Burrow Blockage</u> , <u>BUOW Excavation</u> , <u>BUOW Mortality Reduction Plan</u> , and <u>BUOW Artificial Burrow Replacement Plan</u> .	ITP Condition # 7.36	Post-construction	Permittees	
71	<u>O&M LETH Avoidance</u> . If a LETH individual or nest is identified, LETH avoidance shall occur in accordance with Condition of Approval <u>LETH Avoidance</u> and <u>LETH Nest Monitoring</u> prior to conducting vegetation- or ground-disturbing O&M Covered Activities. If the no-disturbance buffer cannot be established, then Permittees shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u> and <u>LETH Mortality Reduction Plan</u> .	ITP Condition # 7.37	Post-construction	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
72	<u>O&M WJT and BACA Avoidance</u> . If mature or seedling sprouts of WJT, or pups, or pads of BACA are identified, WJT and BACA avoidance shall occur in accordance with Conditions of Approval <u>WJT Avoidance</u> and <u>BACA Avoidance</u> prior to conducting vegetation- or ground-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then Permittees shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u> , <u>WJT Translocation Plan</u> , and <u>BACA Translocation Plan</u> .	ITP Condition # 7.38	Post-construction	Permittees	
73	<u>O&M Covered Activities Covered Species Observations</u> . During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) or Designated Botanist(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 Covered Species, shall cease immediately until the Covered Species moves from the Project Area of its own accord (if applicable) or the Designated Biologist(s) moves the Covered Species out of harm's way in compliance with Conditions of Approval <u>BUOW Mortality Reduction Plan</u> , <u>LETH Mortality Reduction Plan</u> , <u>WJT Translocation Plan</u> , and <u>BACA Translocation Plan</u> .	ITP Condition # 7.39	Post-construction	Permittees	
74	<u>O&M Covered Activities Covered Species Injury</u> . If a BUOW or LETH is injured as a result of conducting O&M Covered Activities, or otherwise found injured in the Project Area, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittees shall identify the facility before starting O&M Covered Activities. Permittees shall bear any costs associated with the care or treatment of such injured Covered Species. Permittees shall notify CDFW of the injury to the Covered Species immediately by phone and email followed by a written incident report within two days calendar days of the incident as described in the Condition of Approval <u>Notification of Take or Injury</u> .	ITP Condition # 7.40	Post-construction	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
75	<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. To meet this requirement, Permittees shall provide for both the permanent protection and management of a specific 4,730 acres of Habitat Management (HM) lands pursuant to the Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> and the calculation and deposit of the management funds pursuant to the Condition of Approval <u>Endowment Fund</u>. Permittees have proposed 4,382 acres of off-site parcels known as "Dawn Ranch" and "Whispering Pines" and 348 acres of on-site parcels known as the WHPA to fulfill this HM lands requirement. Of the 4,382 off-site acres, 4,263 acres occur at Dawn Ranch (Figure 3) which is approximately 15 miles south of the Project Area in Los Angeles County and 119 acres occur at Whispering Pines (Figure 4) which is within the administrative boundary of Joshua Tree National Park in San Bernardino County (Figures 2 and 3). CDFW has conceptually agreed to the biological appropriateness of these collective proposed HM lands parcels which support the Covered Species. These specific proposed HM lands parcels were selected based in part on their proximity to known Covered Species population centers and linkage corridors, as well as their ability to contribute to large contiguous conservation. Should conservation of these specific 4,730 acres become infeasible, Permittees shall acquire an amendment to the ITP with an alternative mitigation proposal. 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.	ITP Condition # 8	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
76	<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: 1. Land acquisition costs for HM lands identified in Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> below, estimated at \$3,200/acre for 4,730 acres: \$15,136,000.00. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements; 2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval <u>Conservation Easement</u>: \$541,100.00; 3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval <u>Start-up Activities</u> below, estimated at \$713,302.00; 4. Interim management period funding as described in Condition of Approval <u>Interim Management (Initial and Capital)</u> below, estimated at \$171,425.00; 5. Long-term management funding as described in Condition of Approval <u>Endowment Fund</u> below, estimated at \$352/acre for 4,730 acres: \$1,664,960. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; 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 Condition of Approval <u>Reimburse CDFW</u>, estimated at \$13,600.00; and 7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$45,479.00.	ITP Condition # 8.1	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	

77	<u>Habitat Management Lands Acquisition and Protection</u>. Permittees shall provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations as follows: 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; 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 Permittees 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; 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; 4. <u>HM Lands Documentation</u>. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207700&inline). 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; 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	ITP Condition # 8.2	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	
----	--	---------------------	---	------------	--

	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. Permittees 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; 6. <u>Management Plan</u>. Submit for CDFW approval a long-term management plan (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline) prior to acquisition and/or transfer of the HM lands. This document shall identify the CDFW approved interim and long-term Land Managers and Conservation Easement grantee, the responsibilities for each party, and procedure for transfer of these responsibilities to ensure that the lands are managed in perpetuity for the benefit of the Covered Species; 7. <u>Start-up Activities</u>. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat enhancement, if applicable; and (7) installing signage; 8. <u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittees 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; and Permittees shall either (1) provide Security to CDFW for the minimum of three years of interim management that the landowner, Permittees, 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.				
--	--	--	--	--	--

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
78	<u>Endowment Fund.</u> If the Permittees elect to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittees 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, Permittees shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the ITP, the conservation easement, and the management plan required by Condition of Approval <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. After the interim management period, Permittees 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.	ITP Condition # 8.3	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	
79	<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. Permittees 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 Permittees' written proposal, CDFW shall inform Permittees 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 Permittees with a written explanation of the reasons for its determination. If CDFW does not provide Permittees with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).	ITP Condition # 8.3.1	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
80	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittees 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 Permittees shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager. • <u>Capitalization Rate and Fees.</u> Permittees shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees. • <u>Endowment Buffers/Assumptions.</u> Permittees 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: 1.2. <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. 1.3. <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. 1.4. <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.	ITP Condition # 8.3.2	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	
81	<u>Transfer Long-term Endowment Funds.</u> Permittees shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount.	ITP Condition # 8.3.3	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
82	<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. 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. Permittees 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.	ITP Condition # 8.3.4	Entire Project	Permittees	
83	<u>Reimburse CDFW.</u> Permittees 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.	ITP Condition # 8.4	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	

84	<u>Security</u>: The Permittees may proceed with Covered Activities only after the Permittees has ensured funding (Security) to complete any activity required by Condition of Approval <u>Habitat Management Land Acquisition</u> that has not been completed before Covered Activities begin. Permittees shall provide Security as follows: 1.1. <u>Security Amount</u>. The Security shall be in the amount of \$18,285,866.00 or in the amount identified in the Condition of Approval <u>Cost Estimates</u> specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval <u>Cost Estimates</u> above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. 1.2. <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. 1.3. <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin. 1.4. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. 1.5. <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. 1.6. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittees has failed to comply with the Conditions of Approval of the ITP. 1.7. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittees after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and • Timely submission of all required reports. Even if Security is provided, the Permittees must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24	ITP Condition # 9	Before Starting Covered Activities or within 24-months of the issuance of the ITP if Security is provided	Permittees	
----	---	-------------------------	--	------------	--

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	months from the effective date of the ITP. CDFW may require the Permittees 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 Permittees does not complete these requirements within the specified timeframe.				

ATTACHMENT 2

Biologist Resume Form

ATTACHMENT 2



Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Number of Resumes Included in Transmittal: _____

Name	Requested Role(s) ¹	Species/Resource(s)

¹ Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a "Qualified Biologist" or "Designated Biologist" with the necessary experience to survey for special status species, or a "Designated Monitor" with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.



Department of Fish and Wildlife

BIOLOGIST RESUME FORM

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

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

SECTION I. NAME AND CONTACT INFORMATION

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

SECTION II. EDUCATION

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

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

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

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

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

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

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

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

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

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

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

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

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

⁷ CNDDDB is the abbreviation for California Natural Diversity Database.

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

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

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

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

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

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

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

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

ATTACHMENT 3

Letter of Credit Form

ATTACHMENT 3

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant:
[name and address of applicant].

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

[Name of financial institution]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT 4

Mitigation Payment Transmittal Form

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

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

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

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

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

Project Tracking Number

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

Check information:

Total \$ _____ Check No. _____
Account No. _____ Bank Routing No. _____

- a. Endowment: for Long-Term Management Subtotal \$ _____
- b. Habitat Enhancement Subtotal \$ _____
- c. Security:
 - 1. Cash Refundable Security Deposit Subtotal \$ _____
 - 2. Letter of Credit Subtotal \$ _____
 - 1. Financial Institution: _____
 - 2. Letter of Credit Number: _____
 - 3. Date of Expiration: _____

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

ATTACHMENT 5

Western Joshua Tree Relocation Guidelines and Protocols



Western Joshua Tree Relocation Guidelines and Protocols

August 2025



State of California
Natural Resources Agency
Department of Fish and Wildlife

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Contents

Introduction 4

Western Joshua Tree Conservation Act Relocation Provisions 5

Definitions 7

Best Available Science on Relocation 8

Guidelines 9

 When Will a Project Need to Relocate Western Joshua Trees? 10

 How Many Western Joshua Trees Will a Project Have to Relocate? 11

 Relocation Sites 14

 Relocation Plan 15

Protocols 16

 Pre-Relocation 16

 Selecting Trees for Relocation 16

 Siting 16

 Timing 16

 Pre-Relocation Watering 17

 Orientation 17

 Other Pre-Relocation Precautions 18

 Relocation 18

 Digging/Tree Removal 18

 Transporting Trees 21

 Planting Methods 21

 Storage 22

 Post-Relocation 23

 Water Basins 23

 Stabilization 23

 Identification 23

 Recordation 24

Maintenance and Monitoring 24

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Site Visits 24

Watering 25

Tree Health 25

Invasive Plant Removal 25

Maintenance of Berms, Stabilization Supports, and Identification Markers..... 26

Completion Activities 26

Reporting..... 26

 Post-Relocation Reporting..... 26

 Maintenance Reports 27

 Completion Report 28

Literature 28

Personal Communications..... 29

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Introduction

Salvage and relocation of western Joshua trees can be an important part of saving the species from the threat of extinction. The Western Joshua Tree Conservation Act (WJTCA) requires permittees to minimize (and avoid) impacts to the maximum extent practicable and specifically calls out relocation as a minimization action. Relocation is deemed a method to minimize impacts to the western Joshua tree populations, rather than a substitution for mitigation through payment of fees. The WJTCA also states that the California Department of Fish and Wildlife (CDFW) may require relocation.

The operative word under the WJTCA is “may.” CDFW will determine, on a case-by-case basis, whether relocation will be required under a WJTCA incidental take permit (ITP) during the permit application review process. If relocation is required, CDFW will also determine how many western Joshua trees will need to be relocated. If the permittee believes relocation of WJT is wholly impracticable or that the number of trees to be relocated is impracticable, the permittee should discuss their limitations with CDFW staff to find alternative solutions.

CDFW acknowledges there are both costs and practical difficulties associated with relocation. The most significant obstacle to relocation can be the availability of sites to receive the relocated western Joshua trees. To avoid having relocation become a de facto mitigation measure, rather than a minimization measure as contemplated by the WJTCA, CDFW will not require relocation if it would necessitate the permittee acquiring land for that purpose. The availability of relocation sites is anticipated to increase over time, as CDFW works with federal, state, and local agencies, as well as its partners in the non-profit community, regulated community and the public, and as conservation land for western Joshua tree is acquired or restored through expenditures from the Western Joshua Tree Conservation Fund. As the availability of relocation sites increases, the instances in which relocation will be required may increase. Until such time, these Guidelines will take an incremental approach to relocation with the hope of increasing relocation over time to better facilitate conservation of the species.

The Guidelines section of this document discusses the circumstances in which CDFW may include permit conditions requiring relocation of one or more western Joshua trees as a minimization measure and how permittees may engage with that process.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

The Protocol section of this document provides a summary of best practices for relocating western Joshua trees and increasing the survival rate of relocated (salvage) western Joshua trees. Information on post-relocation maintenance, monitoring, and reporting is also provided.

This document is a “living” document and will be updated as needed based on the best scientific information available and lessons learned from implementation.

Western Joshua Tree Conservation Act Relocation Provisions

Section 1927.3, subdivision (a) of the California Fish and Game Code gives CDFW authority to issue ITPs pursuant to the WJTCA so long as certain conditions are satisfied. Among other conditions, Section 1927.3, subdivision (a)(2) requires that a permittee “avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable.” Section 1927.3, subdivision (a)(2) expressly authorizes CDFW to include minimization measures in a WJTCA ITP, which may include the requirement to relocate one or more western Joshua trees. Importantly, this subdivision and Section 1927.3, subdivision (a)(4)(A), provide CDFW the discretion to require relocation as a minimization measure. The WJTCA does not mandate relocation as a condition in all WJTCA ITPs.

Pursuant to Section 1927.3, subdivision (a)(4)(A), where relocation is required as a minimization measure, permittees must implement reasonable measures required by CDFW to facilitate the successful relocation and survival of salvage trees. According to the WJTCA, the relocation measures shall include but are not limited to the following conditions:

1. Salvage trees are placed in locations and with proper orientation to improve their chances of survival.
2. Salvage trees are relocated at a time that maximizes their chances of survival, when feasible.
3. A desert native plant specialist be onsite to oversee relocation.

In addition, section 1927.3, subdivision (a)(4)(B) states that CDFW may limit relocation requirements to certain size classes of trees.

Pursuant to Section 1927.3, subdivision (g)(1), the permittee shall bear responsibility for implementing measures to assist the survival of western Joshua trees relocated pursuant to a WJTCA ITP condition. Thus, the text of the WJTCA

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

itself imposes the obligation for a permittee to be legally and financially responsible for implementing relocation conditions as well as any other minimization measures required in a WJTCA ITP. The permittee may, however, contract with the landowner of the relocation site(s) to conduct the post-relocation maintenance and monitoring activities required under its WJTCA ITP, when available as an option.

Subdivision (g)(2) of that section further states, “[u]nless specifically required by written agreement, a landowner that agrees in writing to allow western Joshua trees to be relocated onto land it owns shall not be liable for the continued survival of the western Joshua trees, shall not be required to manage or maintain the translocated western Joshua trees, and shall not be required to change existing land use practices, provided that the land use practices do not result in the taking, possession, sale, or further translocation of the western Joshua trees.” While landowners accepting salvage trees are not responsible for maintaining the trees or otherwise ensuring the trees’ continued survival, it is important to note that salvage trees receive the full protection afforded to all western Joshua trees pursuant to the WJTCA and CESA and that import, export, take, possession, purchase, and sale of salvage trees or any part or product thereof, is prohibited, except as authorized pursuant to the WJTCA or CESA.

The WJTCA requires CDFW, by December 31, 2024, to prepare a Western Joshua Tree Conservation Plan for review and approval by the Fish and Game Commission that incorporates, among other provisions, protocols for the successful relocation of western Joshua trees. The “Protocol” section of this document must be included as an appendix to the Conservation Plan. To create greater transparency, and to increase information and planning certainty for project proponents, CDFW has elected to also include the “Guidelines” section of this document as an appendix to the Conservation Plan. As such, these guidelines and protocols will be incorporated by reference into the Western Joshua Tree Conservation Plan, even though the Conservation Plan itself is not a regulatory document and does not govern permit conditions to require relocation.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Definitions

The following definitions are used in this document:

Bare root relocation – method for relocating a living western Joshua tree by excavating around the root ball of the tree to dislodge the tree from the ground. Any relocation method other than tree spade relocation (defined below) is considered bare root relocation for the purposes of this document.

Containerize – to place a salvage tree into a container, such as a plastic pot or tree box, for temporary storage.

Project site – the area(s) where project activities are expected to occur (e.g., access, staging, construction, etc.)

Recipient site – a salvage tree's (defined below) final planting location.

Relocation – the removal of a living western Joshua tree from the ground and transplantation back into the ground at another location (referred to as a recipient site).

Relocation site – an area with one or several recipient sites.

Retained tree – a living western Joshua tree that is located within the project site that is being or has been avoided or, minimally impacted by the project and will not be relocated.

Root ball – a mass of soil that contains concentrated roots growing from the base of the stem of a western Joshua tree.

Salvage tree – a living western Joshua tree that is being, or has been, relocated. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree, regardless of its proximity to any other western Joshua tree stem or trunk.

Size Class A – a western Joshua tree that is less than one meter in height.

Size Class B – a western Joshua tree that is one meter or greater, but less than five meters in height.

Size Class C – a western Joshua tree that is five meters or greater in height.

Tree spade – a specialized piece of heavy equipment that consists of hydraulically controlled spade blades that can encapsulate the root ball of a salvage tree, as well as adjacent soil.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Tree spade relocation – method for relocating a living western Joshua tree by using a tree spade to dig, transport, and replant a western Joshua tree and its root ball.

Best Available Science on Relocation

There are many accounts of successful western Joshua tree relocation (i.e., stable or increasing signs of tree health without any supplemental care after a period of maintenance), but little scientific research has been done to compare the relative success rates for different relocation techniques. Rather, most relocation efforts that monitor salvage western Joshua tree survivorship evaluate only one method of relocation (i.e., using hand tools for small trees and/or excavators or tree spade for large trees) (Wagner 2018, Balogh 2019, City of Palmdale 2024). The best available scientific information on how to achieve success when relocating western Joshua trees therefore comes from the experience of experts working in the field of restoration and Joshua tree relocation. In Bainbridge (2007), the author offers advice on relocating Joshua trees and other salvaged succulents, such as cacti and shrubs, based on their expertise and knowledge. The National Park Service (NPS) (Goodwin 2024) and a tree transplanting expert (Reynolds 2024) also provided CDFW with information relevant to the development of this document.

In addition, CDFW reviewed the results of known relocation projects. Bainbridge (2007) states that “Joshua trees often transplant well but require intensive aftercare and irrigation[.]” Bainbridge suggests that relocation is best done with machinery, but hand tools can also be used. Front loaders, excavators, and hydraulic tree spades are useful. Tree spades work best in silty or sandy soils but using them is difficult in rocky soils. Salvaged trees can be placed in containers or immediately replanted but should be protected as much as possible from drying winds, heat, and sun. Bainbridge (2007) also mentions that yucca, such as western Joshua trees, seem to survive better if replanted in the same orientation they grew. Overall, Bainbridge (2007) shows the survival rates for salvage trees can be improved if the relocation work is timed carefully, the trees are handled gently, and there is good aftercare and irrigation in a holding facility or at the recipient site. Goodwin (2024) and Reynolds (2024) suggest that minimizing disturbance to the root ball and adequate care after trees have been relocated are the most important factors for successful relocation. Tree spade relocation of western Joshua tree minimizes impacts to roots and can have a success rate of greater than 90% with sufficient aftercare (City of Palmdale 2024,

Western Joshua Tree Relocation Guidelines and Protocols California Department of Fish and Wildlife August 2025

Goodwin 2024, Reynolds 2024). Bare root relocation of western Joshua tree causes more damage to roots and is reported to have a success rate of approximately 50-90% even with sufficient aftercare, based on preliminary findings of a monitoring period of 1-3 years (Goodwin 2024, Reynolds 2024). Beyond the initial 3-year monitoring period, however, success rates can decline (Graver 2024). This document describes additional methods that can be used to aid long-term survival and improve chances of reproduction events. However, there is no foolproof method that guarantees relocation success, and some mortality is always expected to result. Therefore, relocation is considered a method to minimize impacts to western Joshua tree populations, rather than a substitution for mitigation through the payment of fees.

The size and growth pattern of a western Joshua tree may also present additional challenges. Small trees, especially those salvaged through the bare root method, experience higher rates of mortality even with sufficient aftercare (Goodwin 2024). And, though it may be possible to relocate western Joshua trees over 7 meters in height, tree spades may be unable to sufficiently encapsulate the root ball for trees of this size (Reynolds 2024). These trees may also be difficult to stabilize to withstand high wind speeds after being relocated. Dense, clonal reproduction can also affect relocation success. Separating smaller trees from larger, parent trees that are connected through rhizomes below ground can result in higher mortality rates for those smaller trees (Goodwin 2024, Graver 2024).

Guidelines

The WJTCA requires that a permittee “avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable.” As such, CDFW may require relocation of one or more western Joshua trees as a WJTCA ITP minimization measure. CDFW will determine whether relocation will be required under an WJTCA ITP during the permit application review process, including evaluation of the site and proposed activities.

As explained in more detail below, this will involve a two-step process. First, CDFW will determine whether relocation will be required for a project and notify the permittee of its decision. If the permittee believes relocation is wholly impracticable, it may provide CDFW with information to support its contention. After considering the permittee's information, CDFW will make a final determination as to whether relocation is required. Second, if the permittee does not provide CDFW with such information or if CDFW ultimately determines

Western Joshua Tree Relocation Guidelines and Protocols California Department of Fish and Wildlife August 2025

that some relocation is practicable, CDFW will inform the permittee of the number of western Joshua trees, by size class, that it must relocate. If the permittee believes it is impracticable to relocate that total number of trees, it may provide CDFW with information to support its contention. CDFW will meet with the permittee as needed to discuss and then make a final determination as to how many trees must be relocated.

When Will a Project Need to Relocate Western Joshua Trees?

In step one of this process, CDFW will make its initial determination as to whether relocation will be required. CDFW will not require relocation for any project that:

- Will lethally take fewer than 75 western Joshua trees; and
- Will impact less than 10 acres of western Joshua tree habitat.

An applicant may not divide its project into multiple project applications for the purpose of avoiding these requirements. If CDFW determines that an applicant has done so, CDFW may consider the applications collectively for purposes of determining whether the project meets the 75 tree or 10-acre threshold to require relocation.

For projects that will lethally take 75 or more western Joshua trees or impact 10 or more acres of western Joshua tree habitat, CDFW will consider the following additional factors in determining whether relocation will be required:

- CDFW is more likely to require relocation if the project is within predicted climate refugia for western Joshua tree.
- CDFW is less likely to require relocation or may require a lower number of trees to be salvaged if, for example:
 - The project is able to avoid lethal take of western Joshua trees.
 - The project can implement other minimization measures, such as only trimming western Joshua trees in lieu of removing them.
 - The project proponent allows existing land to be a receiver site for salvaged trees from other projects.

Once CDFW has made its determination that relocation will be required for a project, it will notify the permittee in writing of its decision. Upon receipt of notice that relocation will be required, the permittee may elect to submit information to demonstrate that relocating any western Joshua trees is wholly impracticable. CDFW will evaluate the information provided, meet with the permittee as

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

needed, and make a final determination as to whether relocation will be required.

Whether relocation is wholly impracticable will be determined by CDFW on a case-by-case basis in consideration of several factors including whether one of the following limitations exists:

1. Legal Impossibility: A statutory or regulatory limitation to relocating western Joshua trees exists such that compliance with the relocation requirement is legally impossible or would necessarily result in fundamental changes to the project that make it impossible to fulfill the project's objectives. For example, a requirement to relocate trees may be legally impossible if compliance with the relocation requirement would clearly cause the project proponent to violate another permit issued for the project.
2. Technical or Technological Obstacle Impossibility: A significant technical or technological limitation to relocating western Joshua trees exists such that compliance with the relocation requirement is impossible. For example, a requirement to relocate western Joshua trees may be very difficult or impossible if the grade of the project site's landscape precludes use of heavy equipment to access trees.
3. Lack of Availability of Relocation Sites: If the permittee can demonstrate that relocation on site is impossible, that it does not own land suitable to be used as a relocation site, and that it has been unable—after a reasonable, good-faith search completed by the permittee—to locate a suitable relocation site without purchasing land, relocation will not be required. However, if CDFW is able to identify a suitable site, relocation may still be required.

How Many Western Joshua Trees Will a Project Have to Relocate?

When CDFW makes a final determination that relocation of western Joshua trees will be required as a minimization measure, CDFW shall provide the permittee with a second written notice that includes the number of trees, by size class, that must be relocated for the Project.

The number of western Joshua trees that will need to be relocated will be based upon the following three factors: (1) the number of living trees that will be

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

lethally taken as confirmed by the approved census and project activities; and
(2) the size classes of the trees that will be lethally taken.

The number of trees to be relocated will be based on the expected rate of relocation success for each method used (bare root¹ or tree spade²).

	Bare Root Relocation	Tree Spade Relocation
Size Class A (<1 m)	18%	9%
Size Class B (≥1m and <5)	12%	6%
Size Class C (≥5m)	6%	3%

Table 1. Western Joshua Tree Relocation Percentages

Based on the percentages above the “[WJT Salvage Requirement Calculator spreadsheet](#)” is used to help determine the number of trees likely required to be relocated based on the number of trees that will be lethally taken. The WJT Salvage Requirement Calculator can also be used to determine the number of trees per relocation method, should a combination of both tree spade and bare root be used.

Once CDFW has made its determination of the number of western Joshua trees that must be relocated for a project, it will notify the permittee in writing of its decision. Upon receipt of the notice, the permittee may elect to submit information to demonstrate that relocating that number of western Joshua trees is impracticable or that the permittee will undertake other significant avoidance and minimization measures sufficient to justify a reduction in the number of trees to be relocated. Along with this information, the permittee shall include its alternative proposed number of trees to relocate, by size class.

¹ When conducted in accordance with this document, the expected success rate of bare root relocation is between 50 and 90 percent (Goodwin, J. 2024. Joshua Tree National Park. Discussion with J. Goodwin, Vegetation Branch Manager. *in.*; Reynolds, D. 2024. The Landscape Center. Discussion with D. Reynolds, Project Manger/ISA Certified Arborist. *in.*).

² When conducted in accordance with this document, the expected success rate of tree spade relocation is greater than 90 percent (Goodwin, J. 2024. Joshua Tree National Park. Discussion with J. Goodwin, Vegetation Branch Manager. *in.*; Reynolds, D. 2024. The Landscape Center. Discussion with D. Reynolds, Project Manger/ISA Certified Arborist. *in.*; City of Palmdale. 2024. Report of the City of Palmdale Joshua tree preservation program.).

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

CDFW will evaluate the information provided by the permittee. If CDFW agrees with the permittee's alternative proposal, it will notify the permittee in writing. If CDFW disagrees with the permittee's alternative proposal, CDFW will schedule a meeting with the permittee to discuss possible resolutions. Following the meeting, CDFW will make a final written determination as to how many western Joshua trees of each size class the permittee will be required to relocate.

Whether relocating the number of trees identified is impracticable will be determined by CDFW on a case-by-case basis in consideration of several factors including whether one of the following limitations exists:

1. Legal Impracticability: A statutory or regulatory limitation to relocating western Joshua trees exists such that relocating the required number of trees would necessarily result in changes to the project that make it significantly more difficult to fulfill the project's objectives. For example, a requirement to relocate a particular number of trees may be legally impracticable if it would require the permittee to seek changes to another permit issued for the project.
2. Technical or Technological Impracticability: A significant technical or technological limitation to relocating western Joshua trees exists such that relocating the required number of trees is. For example, a requirement to relocate mature western Joshua trees may be very difficult if the relocation site is not located sufficiently close to the project site or if the grade of the landscape precludes the use of heavy equipment for some of the trees to be relocated.

CDFW will also consider the extent to which the project is able to avoid take of western Joshua trees and/or the presence of other minimization measures, such as making land available as a relocation site or trimming western Joshua trees in lieu of removing them. The greater the avoidance and other minimization measures the permittee will undertake, the more appropriate a reduction in the number of trees to relocate will be.

CDFW recommends that permittees identify contingency trees that could be relocated if a problem arises with the primary trees targeted for relocation in the Relocation Plan. For example, if tree spade relocation is proposed, additional trees may be needed for relocation as a contingency in case the tree spade relocation method is impractical due to rocky terrain or other issues.

Western Joshua Tree Relocation Guidelines and Protocols

California Department of Fish and Wildlife

August 2025

Relocation Sites

The permittee should identify one or more relocation sites in the proposed Relocation Plan it submits to CDFW for approval. The permittee should first evaluate if salvage trees can be relocated on the project site and if any project design or phasing modifications can be made to accommodate salvage trees on site.

If salvage trees cannot be relocated on the project site, the permittee must propose one or more off-site relocation sites that can accept trees designated for relocation. If available, permittees should prioritize off-site relocation sites that have been degraded by impacts (e.g., fire, restoration areas). Relocation sites located within local preserves, parks, land trusts, and conservancies should also be considered. Relocation of salvage trees must be conducted in compliance with all applicable federal, state, and local laws.

Efforts should be made to relocate each salvage tree as close to its original location as is possible. Relocation sites that do not meet the criteria listed below may be approved by CDFW on a case-by-case basis. Criteria for selecting off-site relocation sites include:

- In a natural vegetation community that supports western Joshua trees;
- Prioritize locations within 16 kilometers of the salvage tree's original location, but no more than 50 kilometers from the salvage tree's original location; and
- Within 200 meters of the salvage tree's original elevation.

This document does not provide guidance regarding how to implement or support the assisted migration of western Joshua tree. At this time there is insufficient research published on the geographic boundaries of genetically distinct populations and/or climate adaptive traits within populations that may be suited for long distance (2.5 kilometers or greater from occupied habitat) assisted migration to expand western Joshua's tree's range or assisted gene flow to enhance a population's ability to adapt to climate change impacts. Opportunities for short distance (less than 2.5 kilometers from occupied habitat) assisted migration of western Joshua tree may be approved on a case-by-case basis. Assisted migration, assisted gene flow, and/or boundaries of genetically distinct populations may be discussed in future amendments to this document.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Relocation Plan

Where relocation is required, a Relocation Plan must be prepared by the permittee and approved by CDFW prior to the issuance of an WJTCA ITP. The Relocation Plan may combine bare root and tree spade relocation methods and must include the following information:

- The contact information and qualifications of the desert native plant specialist(s) overseeing relocation;
- The date range when trees will be relocated. If salvage trees will be temporarily stored in containers, the plan must indicate when the trees will be replanted;
- The landowner's name, location name, and address or APN for each relocation site property;
- If salvage trees will be relocated outside of the project site, written confirmation from the owner of each relocation site granting the permittee permission to relocate salvage trees to the relocation site property, granting access to implement any maintenance and monitoring measures, and authorizing CDFW staff to access the property to conduct compliance inspections with appropriate advance notification;
- The unique identifier, size class, planned and contingency relocation methods, current and recipient site GPS coordinates (latitude/longitude in decimal degrees), overall health, description of any pest/human damage, and photo for each tree to be relocated (see the [census instructions](#) for submitting photographs);
- If utilizing multiple relocation sites, the permittee must document the relocation site where each tree will be relocated using the unique identifier and recipient site coordinates;
- The number of contingency trees be identified for relocation including the information described for each additional contingency tree; and
- Any other pertinent information regarding relocation operations.

Each permittee may, but is not required to, use [CDFW's Relocation Plan template](#) and [spreadsheet](#), so long as the permittee's proposed Relocation Plan contains all the required information set forth above. Any questions regarding the development of the Relocation Plan should be discussed with CDFW staff prior to submittal to avoid project delays.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Protocols

Pre-Relocation

Selecting Trees for Relocation

Western Joshua trees that are in good health should be prioritized for relocation. Indications that a tree is in good health include where 60% or more of the tree's branches are living; minimal pest damage (no or few bore holes and/or less than 25% periderm [bark] stripping); recent signs of unrestricted hard growth; recent signs of flowering events, and/or strong vigor. Where a tree is greater than 7 meters in height, its size may limit its ability to be successfully relocated. Therefore, healthy salvage trees between 5-7 meters in height should be prioritized within Size Class C.

Siting

Trees identified for relocation should be clearly flagged or marked with a unique identifier and the recipient site should be identified before tree removal begins. Preferred and contingency methods for each relocation should also be identified (e.g., bare root relocation versus tree spade relocation) in advance. Each recipient site should be compatible with the corresponding salvage tree's relocation method (see Tree Spade Relocation under Digging/Tree Removal section below). The recipient site location should also be recorded using a Global Positioning System (GPS) unit and marked with pin flags or wood stakes that are clearly labeled with the unique identifier of the corresponding salvage tree. The permittee should identify a recipient site for each salvage tree that is: accessible for relocation and irrigation equipment, such as water trucks or trailers; provides or enhances connectivity corridors; mimics the density of the surrounding WJT population; and is located at least 4.5 meters from the nearest relocated western Joshua tree and 15 meters from a previously existing western Joshua tree. If possible, recipient site locations should be chosen at random and be spatially balanced throughout the relocation site. Geographic Information System (GIS) tools can assist with this process.

Timing

When feasible, western Joshua trees should be relocated at a time that maximizes their chance of survival. (Fish & G. Code, § 1927.3, subd. (a)(4)(A)(ii).) The optimal time to relocate trees occurs in the fall when heat/drought stress is

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

low, and roots have adequate time to reestablish before the onset of hot, dry summer conditions. For bare root relocation, winter is a suboptimal but acceptable time to relocate trees but provides less time for roots to re-establish and may result in lower rates of survival. For tree spade relocation, there is a wider range of suboptimal but acceptable times to relocate trees because this method results in less root exposure and potential water loss through evapotranspiration as compared to bare root relocation. Relocating when trees are exposed to hot conditions for an extended period, should be avoided.

Bare Root Relocations

Winter	Spring	Summer	Fall
OK	Avoid	Avoid	Preferred

Tree Spade Relocations

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
OK	OK	OK	OK	Avoid	Avoid	Avoid	OK	OK	Prefer	Prefer	Prefer

Pre-Relocation Watering

In preparing for relocation, both the salvage trees and the recipient sites should be watered 24-48 hours in advance. An earthen berm 4-6 inches in height should be created around the trees and recipient sites to create water basins that ensure water saturates the soil around the root ball and recipient site. For bare root relocations, the perimeter of the berm should be no less than 24 inches from the base of the trunk. For tree spade relocations, the size of the berm should be slightly wider than the width of the tree spade to be used on that individual. The water basins should be filled with water to just below the top of the berm twice and allowed to fully drain between fillings. Root stimulant additives such as vitamin B1 and rooting hormone may assist in root regeneration but are not required. Root stimulant additives should be utilized according to product label recommendations.

Orientation

Prior to relocation, using a compass set to the correct declination, mark the north side of the tree identified for relocation with a water-based tree marking paint or other CDFW-approved means in a place that will not be impacted or obscured during relocation operations (e.g., a small paint mark on the trunk 12 inches above ground level or ribbon tape tied to one of the branches on the north side of the tree). When setting a salvage tree in a recipient site, best efforts

Western Joshua Tree Relocation Guidelines and Protocols California Department of Fish and Wildlife August 2025

should be made to place the tree in its original orientation; however, this may be not be possible based on the terrain of the recipient site.

Other Pre-Relocation Precautions

- Relocation operations should adhere to the American National Standards Institute Z133 Safety Requirements for Arboricultural Operations.
- Permittees should obtain all information necessary to avoid existing underground infrastructure at salvage and recipient sites prior to relocation (see [Underground Service Alert of Southern California \(DigAlert\)](#)).
- To prevent the spread of invasive species and pathogens, digging equipment should be clean and free from dirt and debris and sanitized with a 10% bleach solution prior to arriving at the site where trees will be salvaged.
- Depending on the method used, tree limbs may need to be trimmed to facilitate relocation. Limbs should only be trimmed as necessary to facilitate relocation.

Relocation

Digging/Tree Removal

If trees are in close proximity to each other (less than 18 inches apart at the bases of their trunks), all efforts should be attempted to relocate the trees together to avoid separation of trees that are connected through rhizomes below ground.

Bare root removal by hand – Relocations using only hand tools should only be done for trees that are less than 1 meter in height. The root ball and surrounding soil should be salvaged in a way that keeps the root ball as intact as possible. This can be accomplished by excavating a circular trench 10-12 inches deep, 1-2 feet from the base of the trunk. Once the trench is complete, hand tools should be used to undercut the root ball and sever the roots below. Only apply as much lateral pressure to the tree as necessary to expose roots for severing with hand tools. The cut surfaces on roots should be kept small to minimize root dieback and exposure to soil-borne pathogens.

Bare root removal by (non-tree spade) heavy equipment/excavator – As with bare root removal by hand, the root ball and surrounding soil should be

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

salvaged in a way that keeps the root ball as intact as possible. There are different ways to accomplish this using an excavator, depending on the tree's size, soil conditions, and other factors. For trees that are less than 1 meter in height, an excavator with a bucket attachment at least 24 inches in width can be used to extract the tree and root ball in one scooping motion. The equipment operator should minimize incidental damage to the aboveground portion of the tree to the greatest extent possible. Root balls should be handled with care when they are unloaded from the bucket. For trees that are 1 meter or greater in height, a trench 18-24 inches deep should be excavated 2 feet from the base of the trunk. If the soil around the root ball stays intact and does not show signs of fracturing, the tree should be firmly rigged to the rounded exterior of the bucket using nylon straps at least 4 inches in width (Figure 1). Additional cloth padding may be placed around the straps to prevent damage to the periderm. Straps should be rigged at multiple points along the main trunk of the tree to prevent excessive swinging once freed from the soil. Once firmly rigged, the root ball should be undercut using hand tools as safely as possible until all or most of the roots are severed. Snapping roots should be minimized, as much as possible.

If the soil around the root ball does not hold together and shows signs of fracturing and instability when excavating the trench, as is common in sandy soils, the excavator should be used to undercut the root ball as much as possible without causing the tree to fall freely to the ground.

The tree should then be rigged to the bucket attachment using the methods described above and gentle but increasing lateral pressure should be applied to the tree to dislodge the root ball and lay the tree down. Once the tree is resting on the ground, the straps may need to be adjusted in order for the tree to be picked up by the excavator.

Trees removed from the ground using the bare root method should be replanted or containerized within 24 hours of removal.

Western Joshua Tree Relocation Guidelines and Protocols

California Department of Fish and Wildlife

August 2025



Figure 1 – Bare Root Removal: Removing soil around the root ball of a salvage tree using hand tools (left). Salvage tree being removed from the ground by an excavator (right). (Photo credit: National Park Service)

Tree spade relocation – Tree spades come in different sizes based on the width of the soil surface that they can encapsulate (Figure 2). Tree spades can be used to relocate trees of most sizes. However, they are not recommended for trees over 7 meters in height due to stabilization issues during high-speed wind events after relocation.

The following steps must be carried out sequentially, in a timely manner, and thoughtfully. Each western Joshua tree and corresponding recipient site should be evaluated for tree spade acceptability prior to digging. The desert native plant specialist should evaluate soil conditions to assess whether large rocks or boulders may prevent tree spade blades from fully encapsulating the root ball. This may be apparent by scanning the surface of the surrounding area or reviewing existing soil maps (see “Shallow Excavation Ratings” on NRCS Web Soil Survey: <https://websoilsurvey.nrcs.usda.gov/app>). Tree limbs may be trimmed only where necessary to allow the tree spade blades to fully close around the tree. The tree spade size should be selected to ensure the blades do not come within 18 inches of the base of the trunk at ground level. Recipient sites should be dug immediately before, or no more than 4 hours prior to, tree extraction to prevent the soil from drying out and collapsing. Excavated recipient site dirt should be used to backfill the tree removal site where available. Open pits

Western Joshua Tree Relocation Guidelines and Protocols California Department of Fish and Wildlife August 2025

should be flagged with stakes and high-visibility ribbon tape and temporary fencing should be installed around any unattended open pits to prevent people or animals from falling in.



Figure 2. A salvage tree being removed from the ground using a tree spade (Photo credit: National Park Service).

Transporting Trees

If salvage trees are not going to be transported to recipient sites by hand or by the equipment used to extract the tree (e.g., by truck or trailer), precautions must be taken to avoid damage to the tree and root ball. Root balls should be loosely wrapped in burlap and kept moist during transport. Salvage trees should be supported at all times and not dropped or thrown. Salvage trees should be securely transported upright or at a slight angle. Salvage trees may touch other salvage trees during transport, but they should not be stacked or otherwise fully supported by other salvage trees. Salvage trees should be positioned in transport vehicles in a way that minimizes branch entanglement.

Planting Methods

Bare root relocations - The width of each recipient site hole should be approximately 12 inches greater than the width of the root ball. Root balls should

Western Joshua Tree Relocation Guidelines and Protocols

California Department of Fish and Wildlife

August 2025

fit snugly within their recipient holes to avoid stabilization issues. The depth of recipient sites holes should be 2-4 inches less than the height of the root ball to account for settling. If recipient site holes are dug too deep, they should be backfilled and compacted by foot or using hand tools. Salvage trees should be placed as close to their original orientation as the terrain will allow. Salvage trees should be supported when lowered into holes. Holes should be simultaneously backfilled with soil and water to eliminate air pockets and voids. Soil should be lightly compacted by foot or using hand tools.

Tree spade relocations - The salvage trees should be placed as close to their original orientation as the terrain will allow. If needed, soil should be backfilled and lightly compacted by foot or using hand tools to meet the grade of the surrounding soil surface.

Storage

If salvage trees need to be stored for later replanting, in-ground storage is preferred over containerizing. In-ground storage procedures should follow the pre-relocation water berm, planting, post-relocation water berm, and stabilization methods described herein. Salvage trees stored in-ground should be flagged for avoidance and/or fenced off.

If in-ground storage is not possible, each salvage tree should be placed in a container that is at least twice the size of the unrestricted root ball and includes drainage holes. The containers should be sanitized with a 10% bleach solution. The container should be filled using soil from the removal site if the salvage tree is being stored for less than 6 months or with a soil mix ratio of 100 parts organic potting soil to 160 parts course perlite to 200 parts washed concrete sand to 1 part "13-13-13" fertilizer (Goodwin 2024) if the salvage tree is being stored for longer than 6 months. The bottom one third of the container should be filled with soil mixture before placing the root ball into the container. Once the root ball is placed into the container, the remaining volume of the container should be filled with soil and water simultaneously to eliminate air pockets and voids. Salvage trees should not be stored in containers for longer than 2 years unless approved by CDFW. Containerized salvage trees should be stored either upright or at a slight angle to improve drainage and prevent root rot. If weather forecasts predict wind gusts over 60 mph, containerized trees should be closely grouped and tied together 24 hours in advance for added stability. If containerized salvage trees are pushed over, they should be promptly righted and stabilized using the methods described below for the duration of the

Western Joshua Tree Relocation Guidelines and Protocols

California Department of Fish and Wildlife

August 2025

storage period. Containerized salvage trees should be maintained and monitored following the methods described below. If trees show signs of drought stress, watering frequency may need to be increased. Containerized soil should always be allowed to thoroughly dry out before rewatering. Containerizing a salvage tree that has been removed from the ground using the tree spade method in a container would eliminate the benefits from this relocation method; therefore, salvage trees removed from the ground using the tree spade method should always be stored in the ground.

Post-Relocation

Water Basins

An earthen berm at least 4 inches in height should be created around each salvage tree following relocation. The top of the berm should be level. For bare root relocations, the perimeter of the berm should be no less than 24 inches from the base of the trunk. For tree spade relocations, the perimeter of the berm should be the width of the tree spade.

Stabilization

Stabilization material should be installed for salvage trees that are greater than 3 meters in height and for trees that are less than 3 meters in height with a tree height to canopy width ratio that exceeds 2:1. For example, a 2-meter-tall tree with a canopy width greater than 1 meter should have stabilization material installed. Non-abrasive guying materials, such as Arbor Ties, should be attached to three equidistant lateral ground-point anchors outside of the water basin. Guys should be taut but allow for some movement so they do not cause friction in light to moderate wind conditions.

Identification

Each salvage tree should be clearly flagged with tape ribbon or a metal tree tag, and labeled with a unique identifier (e.g., #1, #2, #3) and the relocation date (or the date when first removed from the ground for containerized salvage trees) in the following format: MM/DD/YYYY. Each tree tag should be loosely secured to the main trunk of the tree, rather than nailed directly into hard growth, and should be visible from the south. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

flagging, regardless of its proximity to any other western Joshua tree stem or trunk.

Recordation

A GPS unit should be used to record the location of each salvage tree's recipient site. The relocation method (bare root – hand, bare root – excavator, or tree spade) should also be recorded, along with a color photo of each tree taken from the south of the tree facing north. The picture should include the entire tree.

Maintenance and Monitoring

Where relocation is required under a WJTCA ITP, it is the permittee's responsibility to ensure the maintenance and monitoring measures set forth below are implemented and as required in the permittee's WJTCA ITP. Relocation is considered successful when the health of a salvaged western Joshua tree is stable or improving without any supplemental care after the post-relocation maintenance period.

Site Visits

Site visits should be conducted by a technician with relevant experience in assessing the signs of western Joshua tree health to determine maintenance needs for relocated trees according to the following schedule:

Year 1

- Months 0-3, once every two weeks.
- Months 4-12, once per month.

Year 2

- Months 13-24, every other month.

Year 3

- Months 25-36, every other month only for trees showing signs of declining health. At the end of the 3-year maintenance period, all trees should receive a final site visit and be assessed according to the Completion Report section below.

Western Joshua Tree Relocation Guidelines and Protocols California Department of Fish and Wildlife August 2025

During site visits, technicians should assess and record maintenance needs for each salvage tree. They should also have a site map showing the locations of all salvage trees, a GPS device to confirm salvage tree locations, and notes and photos from previous visits, and they should be prepared to address maintenance needs during site visit or shortly thereafter.

Watering

During the months of May to September, salvage trees should only be watered during site visits if the total rainfall (or snowfall equivalent) for the region within which the recipient site is located is less than 0.4 inches within the previous 7 days. During the months of October to April, salvage trees should only be watered during site visits if the total rainfall (or snowfall equivalent) for the region within which the recipient site is located is less than 0.3 inches within the previous 7 days. Regional precipitation models may be used in determining rainfall amounts; however, rain gauges within, or adjacent to, relocation sites provide the best indicator of precipitation totals. Water basins should be filled to the top of the berm, but not allowed to overtop the berm. A technician with relevant experience in assessing the signs of western Joshua tree health is not needed to water salvaged trees.

Tree Health

Tree health should be assessed by a technician and recorded for each salvage tree during site visits. Tree health should consider signs of new leaf growth, branch loss, signs of flowering/fruitletting, signs of pest/human-caused damage, leaf discoloration, restricted hard growth, overall vigor, and other indicators worth noting. If salvage trees are showing signs of increasing health after two years of maintenance, they do not need to be visited during the third year (see reporting requirements below), except for the final site visit.

Invasive Plant Removal

Invasive plants should be controlled and removed within the water basin. Removal should occur before invasive plant seeds reach maturity. Invasive plants should be removed through mechanical methods and hand pulling or with hand tools, rather than by chemical means, and appropriately disposed of. In removing invasive plants, care should be taken to not damage salvage tree roots. A list of common invasive plant species can be found on the California

Western Joshua Tree Relocation Guidelines and Protocols

California Department of Fish and Wildlife

August 2025

Invasive Plant Council Invasive Plant Inventory (Cal IPC Inventory) website at: <https://www.cal-ipc.org/plants/inventory/>. Native plants should be retained where possible.

Maintenance of Berms, Stabilization Supports, and Identification Markers

During site visits, berms should be checked for height and any breaks that would allow water to escape from the water basin. Stabilization supports should be checked for damage and tightness. If relocated trees are showing signs of leaning, stabilization supports should be added or adjusted. Identification markers should also be checked for intactness, legibility, and maintenance needs.

Completion Activities

During the final site visit at the end of the 3-year maintenance period, berms, stabilization supports, and identification markers must be removed from the relocation site.

Reporting

Where relocation is required under a WJTCA ITP, it is the permittee's responsibility to ensure the reporting measures set forth below are implemented. Where relocation is voluntary, CDFW requests that the permittee provides the same reporting information to CDFW to better inform updates to these guidelines and relocation protocols.

Post-Relocation Reporting

When a WJTCA ITP requires relocation of western Joshua trees, the permittee must submit a post-relocation report to CDFW no more than 30 days after relocations are completed. The post-relocation report should include the following:

- The date range when relocation operations occurred; and
- For each salvage tree:
 - The unique identifier and recipient site coordinates;
 - The final recipient site, including GPS coordinates (latitude/longitude in decimal degrees);

Western Joshua Tree Relocation Guidelines and Protocols

California Department of Fish and Wildlife

August 2025

- The relocation method used;
- The height and diameter of the post-relocation water basin constructed;
- Any stabilization supports installed;
- Any major damage, including any necessary limb trimming, that occurred during relocation;
- Any deviation from the tree's original orientation;
- Any root stimulant additives used in pre- or post-relocation irrigations; and
- A photo of the tree facing north, with the unique identifier in each file name.

Maintenance Reports

When a WJTCA ITP requires relocation of western Joshua trees, the permittee must submit annual reports detailing the 1-year and 2-year maintenance periods, as appropriate, to CDFW. Maintenance reports should include the following information:

- The date(s) when site visit(s) occurred;
- The contact information and relevant experience of the technician(s) performing tree assessments; and
- Information for each salvage tree regarding the following:
 - The unique identifier and recipient site coordinates;
 - Whether the tree is alive or dead;
 - Dates of supplemental waterings;
 - Identity and estimated number of invasive plants observed/controlled and the methods used;
 - Any signs of pest/human damage;
 - Any signs of declining tree health;
 - Any maintenance conducted to repair, replace, add, or adjust berm, stabilization supports, and/or identification markers;
 - A photo of the tree facing north, with the unique identifier in each file name; and
 - At the end of the 2-year period, the reasons for discontinuing maintenance on trees showing stable or increasing health, such as new leaf growth, flowering/fruitletting, good leaf color, no signs of pest/human damage, and/or unrestricted hard growth.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Completion Report

A completion report must be submitted to CDFW no more than 30 days after the end of the 3-year maintenance period. The completion report must contain the following:

- The date when the final site visit occurred;
- The date when berm/stabilization materials/identification markers were removed;
- The contact information and qualifications of the technician(s) performing the final assessment; and
- Information for each salvage tree regarding the following:
 - Whether the tree is alive or dead;
 - Any damage that occurred during or after relocation;
 - Any signs of declining health;
 - Any signs of pest damage; and
 - A photo of the tree facing north, after berm, stabilization materials, and identification markers are removed, with the tree's unique identifier in each file name; and
 - Any recommendations that may help to improve tree relocation methods.

Literature

Bainbridge, D. 2007. A guide for desert and dryland restoration: New hope for arid lands. Island Press, Washington D.C. 20009, USA.

Balogh, M. A. 2019. Mojave Desert ecosystem recovery: Potency of biotic and abiotic restoration methods in low elevation plant communities. University of Nevada, Las Vegas, Thesis, Las Vegas, Nevada, USA.

City of Palmdale. 2024. Report of the City of Palmdale Joshua tree preservation program.

Wagner, M. L. 2018. Factors influencing revegetation efforts in the Mojave Desert: Field studies and meta-analysis of the Morongo Basin and Joshua Tree National Forest. California State Polytechnic University, Thesis, Pomona, California, USA.

Western Joshua Tree Relocation Guidelines and Protocols
California Department of Fish and Wildlife
August 2025

Personal Communications

Goodwin, J. 2024. Joshua Tree National Park. Discussion with J. Goodwin, Vegetation Branch Manager. [22 Mar 2024].

Graver, N. 2024. Joshua Tree National Park. Desert Native Plant Specialist Review of "Western Joshua Tree Relocation Protocol". [10 June 2024].

Reynolds, D. 2024. The Landscape Center. Discussion with D. Reynolds, Project Manager/ISA Certified Arborist. [1 May 2024].