



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
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Fairfield, CA 94534  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 8, 2022

Mr. Jonathan Bain  
NextEra Energy Resources  
700 Universe Boulevard  
Juno Beach, FL 33408  
[Jonathan.Bain@nexteraenergy.com](mailto:Jonathan.Bain@nexteraenergy.com)

Subject: Incidental Take Permit for Golden Hills Energy Facility Repowering Project,  
2081-2014-034-03, Alameda County, Amendment No. 2

Dear Mr. Bain:

Enclosed you will find an electronic copy of the Incidental Take Permit Amendment (Amendment) for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully and sign the acknowledgement **no later than 30 days from CDFW signature** and prior to continuation of ground-disturbing activities. You may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Alternatively, you may return a hard copy of the permit via mail to:

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

You are advised to keep the Amendment and the original permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit with the Amendment must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The Amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the Amendment, please contact Marcia Grefsrud, Environmental Scientist, at (707) 688-2812 or [Marcia.Grefsrud@wildlife.ca.gov](mailto:Marcia.Grefsrud@wildlife.ca.gov); or Brenda Blinn, Senior Environmental Scientist (Supervisory), at [Brenda.Blinn@wildlife.ca.gov](mailto:Brenda.Blinn@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Erin Chappell*

B77E9A6211EF486

Erin Chappell  
Regional Manager  
Bay Delta Region

*Conserving California's Wildlife Since 1870*

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
BAY DELTA REGION  
2825 CORDELIA ROAD  
FAIRFIELD, CA 94534



**AMENDMENT NO. 2**  
(A Major Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2014-034-03  
Golden Hills Wind, LLC  
Golden Hills Energy Facility Repowering Project  
in Alameda County

**INTRODUCTION**

On April 8, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2014-034-03 (ITP) to Daryl Hart, Project Director-Wind Development (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the Golden Hills Energy Facility Repowering Project in Alameda County, California (Project). The Project as described in the ITP originally issued by CDFW includes repowering the existing wind energy facility to replace outdated wind turbine generators (WTG) with fewer and more efficient WTGs. The Project involves decommissioning a maximum of 775 existing WTGs and repowering by installing up to 48 new WTGs at new pad sites. The Project also includes building new access roads, widening existing roads, constructing new laydown yards, installing roadside rock-lined ditches and underground electrical collector lines, installing meteorological towers, and improving related infrastructure. Ground-disturbing work associated with Project repowering and associated activities was completed in October 2015 and turbine assembly was completed in early 2016. After repowering, the Project was expected to have up to 81.6 megawatts (MW) of installed capacity but it increased to 85.92 MW post-construction.

In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

As stated in the original ITP, the Project was expected to result in the following impact acreages to San Joaquin kit fox and California tiger salamander habitat: **50.9 acres** of permanent habitat loss (49.9 acres of upland habitat and 1.01 acres of aquatic habitat) and **204.5 acres** of temporary upland habitat loss.

On April 23, 2018, CDFW approved Major Amendment 1 which corrected the name of the Permittee and mailing address, allowed for pond creation, increased take authorization to account for take that had occurred without prior authorization, increased the amount of compensatory mitigation required, extended the timeframe for securing

the additional compensatory mitigation, and increased number of acres of temporary loss of Covered Species habitat that the Permittee is required to restore from 204.5 acres to 354.4 acres.

As compensatory mitigation for the Project's impacts, Permittee established the Golden Hills Ecological Preserve (GHEP) which was protected in perpetuity under two conservation easements [Sweet Ranch parcel on October 10, 2018 and Alameda County Waste Management Authority (ACWMA) parcel on December 21, 2018]. The GHEP is a total of approximately 523.61 acres in size. A total of approximately 0.49 acre of suitable California tiger salamander breeding habitat was proposed to be created (Pond S-1) at the GHEP-Sweet Ranch and enhanced at GHEP-ACWMA.

After the recordation of the GHEP conservation easements, it was determined that creation of the 0.49 acre of suitable pond breeding habitat on GHEP-Sweet Ranch was not feasible due to site constraints that were incorrectly evaluated during the original pond conceptual design process. The modified development plan for Pond S-1 will re-establish 0.03 acre of aquatic habitat at Pond S-1, which would be consistent with the historic pond at this location. Permittee is proposing supplemental aquatic habitat mitigation for the Project at the proposed Walker Ranch Conservation Easement. In addition, an approximately 3-acre boundary discrepancy was discovered on the northern boundary at GHEP-Sweet Ranch.

In order to compensate for the two deficits, the Permittee will preserve an additional 0.46 acre of documented California tiger salamander aquatic habitat at the Walker Ranch, which will be included in the additional habitat acreage noted above (approximately 3 acres) designated as GHEP-Walker Ranch, adjacent to and contiguous with the proposed mitigation site (Golden Hills North Ecological Preserve) for ITP 2081-2014-034-03.

On March 11, 2022, CDFW received a request for Amendment 2 to authorize additional temporary and permanent impacts associated with the Golden Hills Transmission Line Wildfire Mitigation Project (Wildfire Mitigation Project). The Amendment request also describes the changes to the GHEP-Sweet Ranch aquatic breeding habitat compensation and boundary adjustments with proposed compensation for shortfall at GHEP-Walker Ranch. In addition, the Amendment 2 will update Permittee contact information and update the required compensatory mitigation.

This Major Amendment No. 2 (Amendment) makes the following changes to the existing ITP:

First, this Amendment corrects the name of the Permittee and mailing address.

Second, this Amendment allows for the restoration of California tiger salamander breeding pond habitat at Pond S-1 within the GHEP-Sweet Ranch mitigation site.

Third, this Amendment corrects for shortfalls in compensation to be rectified at the GHEP-Walker Ranch.

Fourth, this Amendment increases the amount of compensatory habitat that is necessary and required pursuant to CESA to fully mitigate unauthorized Project-related impacts of the taking on the Covered Species resulting from the Project.

Fifth, this Amendment increases the number of acres of temporary loss of Covered Species habitat that the Permittee is required to restore from 354.4 acres to 365.6 acres.

Sixth, this Amendment increases the total security required based on cost estimates.

### **AMENDMENT**

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. Page 1 as previously amended shall be further amended to read:

Permittee: Golden Hills Wind, LLC / Daniel Neville, Project Director - Renewable Development

Principal Officer: Matthew Handel, Vice President- Development  
***Jonathan T. Bain, Vice President, Power Generation Operations***  
[\*\*\*Jonathan.Bain@nexteraenergy.com\*\*\*](mailto:Jonathan.Bain@nexteraenergy.com)  
***(561) 691-2282***

Contact Person: ~~Mike Pappalardo~~  
~~Environmental Services Manager~~  
~~(541) 302-1345~~  
***Craig Lawrence, Environmental Project Manager***  
***(510) 703-5680***

Mailing Address: ~~NextEra Energy Resources~~  
~~Attention:~~  
~~Matthew Handel, Vice President—Development~~  
~~NextEra Energy Resources~~  
~~700 Universe Boulevard~~  
~~Juno Beach, FL 33408~~

2. Page 2, under Project Description, shall be further amended as follows with the following new paragraphs:

## **Golden Hills Transmission Line Wildfire Mitigation Project**

**The Golden Hills Transmission Line Wildfire Mitigation Project (Wildfire Mitigation Project) will remove 53 pole structures (51 wood and 2 steel) and replace them with 31 steel monopoles between the Midway and the Pacific Gas and Electric Tesla substations. The purpose of the Wildfire Mitigation Project is to reduce the potential damage from wildfire by installing fire-resistant, steel monopoles as part of Permittee's fire hardening program.**

**To facilitate the pole removal and replacement, previously disturbed and restored/developed areas will be used to the maximum extent possible to avoid and minimize impacts to annual grassland. This includes the use of existing roads for access and staging and minimizing the temporary construction work areas. As a result, most of the impacts will be temporary (11.2 acres) and will be restored/revegetated following construction. Permanent impacts (0.012 acre) will be limited to the diameter of the new steel monopoles. In addition to on-site restoration of the disturbed areas, temporary and permanent impacts will be further offset by establishing an additional 11.238 acres of conservation easement at the proposed Golden Hills Ecological Preserve at Walker Ranch.**

### **Construction**

**The temporary construction work areas and temporary overland access routes have been minimized and located to avoid impacts to sensitive biological resources (e.g., drainages and seasonal ponds), rocky outcrops, and the Haera Wildlife Conservation Bank. Access to each site will use existing roads, 2-track roads, and temporary overland access routes in that order of priority. Construction will include temporary access and staging, steel monopole installation, line conductoring, wooden and steel (19R/29L) pole removal, and guy wire removal.**

### **Temporary Access and Staging**

**New temporary overland access routes and temporary construction work areas around the pole locations will be required that result in temporary impacts to annual grassland habitat. These routes will be required to access temporary construction work areas at pole locations 5-11, 13, 14, 16-18, and 29-34. Temporary overland access roads and 2-track roads may be mowed prior to construction, if necessary to reduce wildfire risk. Rubber tired vehicles and equipment will be used, to the extent feasible, during dry conditions to minimize grassland habitat impacts. Protective matting will be used to avoid impacts to two ephemeral drainages that intersect with an existing 2-track road and proposed temporary overland**

**access route. The previously disturbed/developed areas adjacent to the Midway Substation will be used as a construction laydown area to reduce habitat impacts.**

### **Steel Monopole Installation**

**A total of 31 new steel monopoles will be installed; 26 will be supported by excavating 4-foot diameter by 11 to 12-foot-deep vertical shaft foundations. The remaining 5 monopoles at 3, 4, 11, 15, and 29, where the lines change direction, will include a 7-foot diameter reinforced concrete foundation to provide additional lateral support. The alignment of the new monopoles from the Midway Substation to monopole 11 will be straightened to eliminate the need for angled/guyed structures and reduce habitat impacts. Installation of the new monopoles on a new alignment will also allow this portion of the line to be built while the existing line is still energized.**

**The temporary construction work areas around each monopole location will typically be 100 feet by 100 feet but shape and orientation vary depending on adjacent aquatic features, slope, and location of existing poles and new steel monopoles. Prior to construction, the temporary work areas around each pole location may be mowed and may have gravel added, as needed. Following construction, any gravel added will be removed and the work areas will be recontoured to pre-construction conditions and restored/revegetated. Cranes and other equipment will be used to erect each monopole on the new foundations.**

**Limited grading will be required at monopole 6 to create a flat crane pad because of the steep slope at this location. A work pad area will be excavated and graded at monopole 6 within the temporary construction work area to accommodate a crane because of the steep slope at this location. The pad will remain in place but will be restored/revegetated.**

### **Line Conductoring**

**Line conductoring will occur using travelers (pulleys), insulators, and hardware that will be transported to each monopole by vehicle. Travelers will be installed on the monopole insulators, and a sock line will be used to pull the new line. After the new conductor is in place, it will then be "sagged" (pulled to the appropriate height and tension), then transferred from the travelers and clipped permanently to the insulator. At line end points, a boom truck will be needed to access the poles so crews can attach the dead-end eye to the monopole. Additionally, where splices exist along the alignment, a boom truck will be used to reach the conductor for the installation of new splices in areas where it will be feasible. The**

***southwest portion of the double circuit portion will be removed, and the northeastern line will remain energized, which will allow the new line to be constructed while the line is still energized.***

***Temporary pull and tension sites will be located at monopoles 3, 4, 15, 28, 29, and 34 where specialized equipment will be used to install the new conductors. The sizes of the sites vary and are located to avoid impacts to sensitive resources. The temporary pull and tension sites may be mowed prior to construction.***

#### ***Wooden Pole Removal***

***Demolition of the existing 51 wooden poles and 2 steel poles will include 18 poles that will be removed before the steel monopoles are installed, and 33 poles and 2 steel poles that will be removed after the new steel monopoles are installed and the new line is energized. There are double poles located between 1R/11L and 19R/29L that will be removed and replaced with single steel monopoles. The wooden poles will be removed by pulling them out with an excavator or bucket truck. If the poles are imbedded too deeply to be pulled out, they will be cut off with a chainsaw approximately 1-3 feet below ground surface. If cutting is required, limited excavation will be necessary to allow access and space for cutting below grade. Any excavation will be limited to the minimum extent required to allow pole cutting. Following pole removal, the remaining hole or excavated area would be backfilled and lightly compacted to meet natural conditions. Demolition will require the establishment of 100-foot by 100-foot temporary work areas. Demolition activities will not involve impacts to sensitive resources or existing infrastructure.***

#### ***Guy Wire Removal***

***The existing wooden poles with guy wire supports will have guy wires clipped and anchors either left in place or removed. A guy wire at monopole 11, located within the Haera Wildlife Conservation Bank, will be cut using hand equipment. No equipment will be required to enter the Haera Wildlife Conservation Bank so no impacts will occur from this activity.***

3. Page 5, Project Description, as previously amended, shall be further amended to read:

GHEP -Sweet Ranch - Pond Development

The Permittee proposes to ~~develop~~ ***restore to original size***, approximately ~~0.49~~ ***0.03*** acre of suitable pond breeding habitat (Pond S-1) for California red-legged

frog and California tiger salamander at the GHEP – Sweet Ranch, in accordance with the draft development plan titled Breeding Habitat Mitigation and Monitoring for California Red-legged Frog and California Tiger Salamander at the Golden Hills Ecological Preserve at Sweet Ranch (Pond Habitat Development Plan).

4. Page 7, **Impacts of the Taking on Covered Species** as previously amended shall be further amended to read:

The Project is expected to cause the permanent loss of ~~50.8~~ **50.812** acres, and temporary disturbance of ~~354.4~~ **365.6** acres of upland habitat. ***The Wildfire Mitigation Project is anticipated to result in 11.2 acres of temporary impacts and 0.012 acre of permanent impacts to annual grassland that supports suitable upland estivation and dispersal habitat for California tiger salamander and denning and foraging habitat for San Joaquin kit fox.***

The permanent impacts to upland habitat will result from construction of new roads, construction of main (three) laydown yards, installation of turbine pads, installation of culverts and roadside rock-lined ditches, installation of meteorological towers, and installation of new power poles. Permanent impacts resulting from road construction include the 32-foot-wide gravel surfaces on main access roads and 16-foot-wide gravel surfaces of interior (secondary) roads. The main laydown yards and shoulders of main access roads will be restored (see Restoration and Reclamation of Disturbed Areas); however, these areas are considered permanent impacts due to the difficulty of completely restoring these highly-compacted areas. The permanent, indirect impacts to aquatic habitat (stock ponds SP-05, SP-10, SP-11, SP-12, SP-13 and SP-17) will occur as a result of modifications to watershed drainage patterns and pond water supply following road construction and installation of drainage conveyance structures. ***Permanent Impacts from the Wildfire Mitigation Project will be a result of the installation of steel monopoles.***

The temporary impacts will result from the cut/fill of roads, construction of new turbine staging areas, installation of underground collection lines, and reclamation of existing turbine pads. ***Temporary impacts from the Wildfire Mitigation Project will be the result of the establishment and use of work areas, access and staging areas, steel monopole installation, line conducting, wooden pole removal, and guy wire removal.***

The 8-foot-wide shoulders of interior roads are considered temporary impacts since these road segments are expected to be less traveled by construction-related traffic, landowners, and third parties, and therefore less compacted, compared to main road shoulders. The reclamation of existing roads within the existing roadway is not considered a temporary impact”.



The impacts associated with enhancement of the breeding pond includes the following:

~~Expansion~~ **Enhancement** of the existing Pond S-1 **will restore it to the original** ~~from 0.03 acre~~ **size, taking advantage of the existing spring water source, existing pond berm, and vegetated spillway.** ~~to approximately 0.49 acre.~~ An additional temporary impact area (0.26 acres) will be used for staging of equipment and materials onsite as well as for general construction access. The total area impacted by the enhanced pond **work activity** will be approximately ~~77,100 square feet (1.75 acre)~~ **1.5 acres or less, including the pond, work area surrounding the pond, and equipment staging.**

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from grading noise and vibration, stress associated with increased human presence, capture and translocation, and long-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Condition of Approval 9.0 as previously amended shall be amended to read:

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 with 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 acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall either purchase a total of ~~514.4~~ **525.7** acres of Covered Species credits (~~514.4~~ **525.7** acres of San Joaquin kit fox credits and ~~514.4~~ **522.3** acres of California tiger salamander credits) from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of a total of ~~514.4~~ **525.7** acres of Habitat Management (HM) lands **that include** ~~514.4~~ **525.7** acres of San Joaquin kit fox habitat and ~~514.4~~ **522.3** acres of California tiger salamander habitat pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. Permittee shall provide compensatory habitat following the conservation priorities and mitigation ratios described in the *East Alameda County Conservation Strategy* (Chapter 3, dated October 2010) for the Covered Species as confirmed by CDFW. Compensatory habitat shall include both upland and California tiger salamander aquatic breeding habitat through preservation,

Major Amendment No. 2

Incidental Take Permit 2081-2014-034-03

GOLDEN HILLS WIND, LLC / DANIEL NEVILLE, PROJECT DIRECTOR - RENEWABLE DEVELOPMENT  
Golden Hills Energy Facility Repowering Project

restoration, enhancement, and/or creation of pond habitat that is the same or better quality as habitat that will be impacted. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within 18 months of the effective date of this ITP or an Amendment if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

Permittee shall also restore on-site ~~354.4~~ **365.6** acres of temporarily-impacted Covered Species habitat pursuant to Condition of Approval 9.6 below. If any temporary impacts do not meet the criteria identified in Condition 6.14, compensatory mitigation to offset the additional Project temporal impacts shall occur at a 2:1 ratio for any semi-permanent impacts restored within 2 years but greater than 1 year and 3:1 for any non-permanent impacts not restored within 2 years. If Condition 6.14 is not achieved, the compensatory mitigation that shall be necessary shall become greater than the ~~514.4~~ **525.7** acres identified above. This mitigation requirement will be identified by CDFW in writing and shall be subject to an amendment as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable regulations and law.

Condition of Approval 9.1 shall be amended to read:

9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$15,000/acre for ~~514.4~~ **525.7** acres: ~~\$7,716,000.00~~ **7,885,500.00**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at \$76,000.00;

9.1.3. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at \$114,000.00;

9.1.4. Long-term management funding as described in [Condition of Approval 9.4] below, estimated at \$3,000.00/acre for ~~514.4~~ **525.7** acres: ~~\$1,543,200.00~~ **1,577,100.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions,

expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at \$3,000.00.

9.1.6. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$3,500.00/acre for ~~354.4~~ **365.6** acres: ~~\$1,240,400.00~~ **1,279,600.00**.

Condition of Approval 9.2 shall be amended to read:

9.2. Covered Species Credits. Permittee shall purchase ~~514.14~~ **525.7** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than from the issuance of this ITP or an Amendment if Security is provided pursuant to Condition of Approval 10 below.

Condition of Approval 9.6 shall be amended to read:

9.6. Habitat Restoration. Permittee shall restore on-site the ~~204.5~~ ~~354.4~~ **365.6** acres of Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Within 6 months of issuance of this ITP or an Amendment, the Permittee shall prepare a Restoration Plan pursuant to ITP Condition 6.15 to facilitate revegetation of the ~~354.4~~ **365.6** acres of temporary construction disturbance on-site, and shall ensure that the Restoration Plan is successfully implemented by the contractor. The Restoration Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods.

Condition of Approval 10.1 shall be amended to read:

10.1. Security Amount. The Security shall be in the amount of ~~\$10,692,600.00~~ **10,935,200.00 (an increase of \$242,600.00)**. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## FINDINGS

*Issuance of this Amendment will increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing the avoidance and minimization measures and the restoration measures, it is expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment reflects a change in the number of individuals impacted by Project activities. The increased impacts are the result of an increase in temporary impacts and slight increase in permanent impacts due to the power pole replacement.

*Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in April 2015 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: The Permittee shall provide additional HM lands to compensate for the increase in impacts to the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

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

Discussion: CDFW issued the ITP in April 2015 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact report certified by the Alameda County Community Development Agency as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment 2 is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).*

Discussion: This Amendment allows an increase of the amount of authorized take and habitat impacts, constituting a significant change in the scope of the Project. As described above, these changes are the result of an increase in temporary impacts and

slight increase in permanent impacts. The Permittee shall provide additional HM lands to compensate for the increase in impacts to the Covered Species. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until signed by all parties and returned to CDFW. Digital signatures facilitated by CDFW will be automatically returned and shall comply with Government Code section 16.5. Wet signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 6/8/2022

DocuSigned by:  
*Erin Chappell*  
B77E9A6211EE496...  
Erin Chappell, Regional Manager  
Bay Delta Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By: Jonathan Bain Date: 6/13/2022  
D6BCC88C23DD44C...

Printed Name: Jonathan Bain Title: Vice President

Major Amendment No. 2  
Incidental Take Permit 2081-2014-034-03  
GOLDEN HILLS WIND, LLC / DANIEL NEVILLE, PROJECT DIRECTOR - RENEWABLE DEVELOPMENT  
Golden Hills Energy Facility Repowering Project