Appendix R

WILDLIFE PROTECTION AND TRANSLOCATION PLAN

WILDLIFE PROTECTION AND RELOCATION PLAN

Easley Renewable Energy Project

Prepared for

Intersect Power

IP Easley, LLC

a subsidiary of Intersect Power, LLC

Submitted by

Aspen environmental group

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Agency Review Status:
Bureau of Land Management
U.S. Fish and Wildlife Service
California Department of Fish and Wildlife

CONTENTS

LIST OF TABLES

LIST OF ACRONYMS

ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
BMP	Best Management Practices
BRTR	Biological Resources Technical Report
CA 177	California Highway 177
CDCA	California Desert Conservation Area
CDFW	California Department of Fish and Wildlife
CDV	Canine Distemper Virus
CMA	Conservation and Management Action
CRPR	California Rare Plant Rank
DFA	Development Focus Area
DRECP	Desert Renewable Energy Conservation Plan
ECM	Environmental Compliance Manager
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
GPS	Global Positioning System
I-10	Interstate 10
LUPA	Land Use Plan Amendment
MW	Megawatts
NECO	Northern and Eastern Colorado Desert Coordinated Management Plan
O&M	Operations and Maintenance
POD	Plan of Development
PV	Photovoltaic
USFWS	U.S. Fish and Wildlife Service
WEAP	Worker Environmental Awareness Program

1. INTRODUCTION

1.1. Project Summary

IP Easley, LLC (Applicant or Proponent), a subsidiary of Intersect Power, LLC, proposes to construct, operate and decommission the Easley Renewable Energy Project (Easley or Project), a utility-scale solar photovoltaic (PV) electrical generating and storage facility, and associated infrastructure to generate, store, and deliver renewable electricity to the statewide electricity transmission grid. The approximately 3,700-acre Project site is located in Riverside County near the unincorporated community of Desert Center (see POD [Plan of Development] Appendix A, Figure 1).

The Project would generate and store up to 650 megawatts (MW) of renewable electricity via arrays of solar photovoltaic (PV) panels, a battery energy storage system (BESS), and appurtenant facilities. A 6.7-mile 500 kilovolt (kV) generation-tie (gen-tie) line would mainly traverse the adjacent Oberon Renewable Energy Project that is owned by Intersect Power and connect into an approved substation that is under construction (see POD Appendix A, Figure 2). From the Oberon onsite substation, the power generated by the Easley Project would be transmitted to the SCE Red Bluff Substation via the Oberon 500 kV gen-tie line which is expected to be fully energized by the end of 2023. For a complete Project Description and summary of the Project location, refer to the POD main text.

The Project includes both public and private lands (see POD Appendix A, Figure 2). Public lands within the Project solar application area are managed by the U.S. Bureau of Land Management (BLM) and are designated as Development Focus Area (DFA) by the Desert Renewable Energy Conservation Plan (DRECP) and associated Record of Decision (ROD), and thus have been targeted for renewable energy development. Because the proposed Project is partially located on federal land under management of the BLM, the BLM is the lead agency under the National Environmental Policy Act (NEPA), 42 U.S.C. section 4321 et seq. Private lands within the Project solar application area are under the jurisdiction of Riverside County, which will serve as the lead agency under the California Environmental Quality Act (CEQA).

Clean, renewable energy generation will have an overall benefit to plant and wildlife species on a local, regional, and global scale by replacing fossil fuel energy sources, reducing toxic emissions, and mitigating the effects of climate change on ecosystems.

1.2. Purpose

The primary purpose of this Plan is to provide a framework for management approach, monitoring, and relocation of multiple special-status wildlife species that may occur within the Project site.

The following species are the focus of the Plan and are referred to as “target species”:

- Couch’s spadefoot toad (*Scaphiopus couchii*)
- Desert kit fox (*Vulpes macrotis*)
- American badger (*Taxidea taxus*)
- Western burrowing owl (*Athene cunicularia*)

This Wildlife Protection and Relocation Plan has been prepared to conform to the DRECP Conservation and Management Actions (CMAs)

- LUPA-BIO-6 (Subsidized Predators Standards)
- LUPA-BIO-9 (Water and Wetland Dependent Species Resources)
- LUPA-BIO-12 (Noise)
- LUPA-BIO-14 (General Standard Practices)
- LUPA-BIO-IFS-12 (Burrowing Owl)

- LUPA-BIO-IFS-13 (Burrowing Owl)
- DFA-BIO-IFS-1 (Individual Focus Species (IFS)

This plan may be revised to conform to requirements of: (1) relevant provisions of the Project's Final Environmental Impact Report or Environmental Assessment, (2) any USFWS Biological Opinion (BO) or CDFW Consistency Determination or Incidental Take Permit (ITP) issued for the Project, (3) any revisions to relevant mitigation measures (MMs) that may be adopted in the BLM Record of Decision and/or by Riverside County, or (4) any further direction from the resource agencies.

Implementation of the Plan will take place during pre-construction and construction phase of the Project. Wildlife avoidance during operation and maintenance and decommissioning will be implemented. Procedures will be established to avoid and minimize any negative impacts to these species during all Project activities for the life of the Project.

Note that this Plan would be implemented in conjunction with the Desert Tortoise Protection and Translocation Plan (see POD Appendix I). Additionally, note that for Mojave fringe-toed lizard, which occurs on windblown sand habitat east of the site, the Project site is just outside the distribution model for the species and soils are marginally suitable in the northeast portion. There is a low potential for occurrence of this species, and thus it is not addressed in this Plan (see POD Appendix G [Ironwood, 2022])

2. BASELINE CONDITIONS

The Project area overlaps with a DRECP-designated multi-species linkage within the gen-tie line ROW and a desert tortoise linkage (Pinto Wash linkage) within the solar facility site. The Project site is outside of but adjacent to desert tortoise critical habitat, which is located approximately 0.8 mile west of Kaiser Road (see POD Appendix I, Figure 8).

Other open space areas in the vicinity include the Alligator Rock Area of Critical Environmental Concern (ACEC), approximately 3 miles south of the Project site, and the Desert Lily Preserve ACEC, approximately 4 miles east of the Project site. The closest Joshua Tree National Park boundary is located approximately 4 miles northeast of the Project site. Nearby land uses include previously developed or developing solar facilities, transmission lines, fallow and active agriculture, and rural residences.

2.1. Summary of Wildlife Surveys and Results

Wildlife surveys conducted in 2021 employed belt transects approximately 10 meters (32.8 feet) apart to provide 100 percent (full) coverage for the proposed solar facility. Wildlife surveys were repeated in spring 2022 at 20-meter belt transects, consistent with 2012 California Department of Fish and Wildlife (CDFW) burrowing owl protocol surveys and in conjunction with plant surveys with a 150-meter buffer (see POD Appendix G [Ironwood, 2022]). Any new areas surveyed in 2022 were surveyed at 10-meter intervals within the Project footprint and at intervals of 20-meters within the buffer.

Surveys were conducted by walking linear transects and visually searching for live individuals or sign of any sensitive species. All holes detected that may be inhabited by sensitive species as burrows or burrow complexes were carefully inspected for potential occupancy or sign of recent use. Special emphasis was placed on searching around the bases of shrubs and along the banks of shallow washes. Burrows were carefully examined and assigned to the wildlife species that may have inhabited them based on indicator signs within the burrow or near the mouth of the burrow.

During wildlife surveys, biologists recorded all wildlife species observed, regardless of conservation status. Common species were tallied at the end of each transect and recorded throughout each day by each crew. During the spring surveys, additional avian counts were completed in the mornings.

The special-status species recorded on the Project site are listed and their occurrences are briefly described in the following paragraphs.

Reptiles and Amphibians

- **Desert Tortoise (*Gopherus agassizii*) (ST, FT[1]):** Desert tortoise habitat has lower predicted occupancy levels in the northernmost portion of the Project site (0-0.2) and increases toward the south, with the highest occupancy levels of 0.5-0.6 in the southwest portion of the Project site (Nussear et al. 2009). The areas with higher occupancy levels are also closest to designated desert tortoise conservation areas which are located approximately 0.8 mile away, west of Kaiser Road.

  Desert tortoise sign observed during field surveys were consistent with the predicted occupancy model, with all the observed sign occurring in areas with occupancy values of 0.3 or higher. Most of the desert tortoise sign was concentrated within the southwest portion of the Project site. No live desert tortoises or active sign were documented (see POD Appendix G [Ironwood, 2022]). Nine locations of tortoise carcasses were observed, most of which were characterized by shell bones falling apart and growth rings on scutes peeling (class 4) or disarticulated bones or scutes more than 4 years old (class 5).

  Desert tortoise have a low to moderate potential to occur on the Project site.

- **Couch's Spadefoot toad (*Scaphiopus couchii*) (SSC, BLMS):** Couch's spadefoot toad was not observed, but potential suitable breeding habitat is present within the Project site in areas where water accumulates. Nineteen data points were documented throughout all survey periods as potential breeding habitat where water may accumulate after rainfall or where human activities create perennial water sources (see POD Appendix G [Ironwood, 2022]). Several data points are along a channel with wetlands and areas of open water created from drainage from the nearby aquaculture farm. There was no standing water observed within the mapped potentially suitable habitat within the Project.

  The potential for Couch's spadefoot toad to occur on the Project is expected to be low.

Birds

- **Western Burrowing Owl (*Athene cunicularia*) (SSC, BCC, BLMS):** Burrowing owl is a California species of special concern. Suitable habitat for the species occurs throughout the Project area. Two live individuals, both in flight, were observed during survey periods. Eight burrows with either whitewash, feathers, and/or pellets were documented (see POD Appendix G [Ironwood, 2022]).

Mammals

- **Desert Kit Fox (*Vulpes macrotis arsipus*) (CPF):** Desert kit foxes are California protected fur bearing mammals. Many desert kit fox burrows observed within the Project site are part of a complex with multiple entrances. During surveys, twenty-one active desert kit fox burrows or complexes with dig marks, tracks, and/or scat were observed within the Project site (see POD Appendix G [Ironwood, 2022]). Seventy-seven burrows or complexes, some with older scat, were identified as inactive desert kit fox burrows. Two carcasses (likely a skull or bone fragments) were observed at two separate locations. The number of burrows will likely change over time since kit fox distribution is dynamic and changes under natural conditions due to prey availability and other environmental factors such as the presence of coyotes that prey on kit fox pups.
- **American Badger (*Taxidea taxus*) (SSC):** American badgers are a CDFW species of special concern. Suitable habitat exists for American badgers throughout the Project site. Two active badger burrows

[1] Listing acronyms: ST = State-listed threatened; FT = federally-listed threatened; SSC = State species of special concern; BLMS = BLM sensitive; CPF = California protected furbearer; BCC = USFWS Bird species of conservation concern; WL = CDFW watch list; CPGS = California Protected Game Species, CRPR = California Rarity Plant Rank

with dig marks and recent tracks were identified during the fall 2021 survey, and four burrows with dig marks were identified as inactive badger burrows (see POD Appendix G [Ironwood, 2022]). A badger skull or skull fragments (identified as carcass in the data) were observed at two locations. There are several canid burrows and complexes observed that could be used by the species, but no live individuals were observed.

3. MANAGEMENT APPROACH

This section describes the approach that will be used for wildlife protection and relocation throughout the construction phase of the Project. The bullets below provide a short overview of the relocation strategy:

- Assign a Lead Biologist and a qualified team of biologists with clear communication and reporting responsibilities to the lead agencies and wildlife agencies.
- Survey for special status species along planned fence routes.
- Identify, avoid, and/or relocate all target animals within construction areas where necessary.
- Monitor fence construction (security fencing, desert tortoise exclusion fencing, or both) for solar facility sites.
- Conduct full-coverage surveys to identify special-status wildlife within all disturbance areas (fenced solar fields and gen-tie line disturbance sites).
- Exclude special-status wildlife, according to details described below for each species as needed.
- Conduct compliance monitoring and impact avoidance as needed throughout construction and all Project phases on the solar field, battery storage facility, and gen-tie line.

3.1. Key Roles

Implementation of this plan will be subject to review and approval by the BLM, Riverside County, U.S. Fish and Wildlife Service (USFWS), and CDFW. These agencies are referred to throughout this Plan as the permitting and wildlife agencies.

A Lead Biologist and USFWS Authorized Biologist(s), appointed by the Project owner and approved by the permitting and wildlife agencies, will be responsible for the implementation of this Plan. The field team will include Biological Monitors, other Authorized Biologists, or both, all working under direction of the Lead Biologist. The IP Easley, LLC Environmental Compliance Manager (ECM) will be responsible for other environmental resources that are not stated within this plan and will coordinate with the Lead Biologist if there are potential conflicts.

- **Lead Biologist.** The Lead Biologist will coordinate directly and regularly with permitting and wildlife agency representatives regarding biological resource issues, including biological resource compliance, species relocation efforts, and implementation of best management practices (BMPs). The Lead Biologist will supervise Authorized Biologist(s) and Biological Monitors during pre-construction clearance surveys, burrow/den monitoring, and other measures needed to protect biological resources during the construction phase of the Project. The Lead Biologist, Authorized Biologist(s), and Biological Monitors have authority to halt construction activities in an area if it is deemed necessary to protect a target species or other special-status species.

  The Lead Biologist will also work with the Project owner to prepare the Worker Environmental Awareness Pro-gram (WEAP), to be approved by the permitting and wildlife agencies. The WEAP will addresses the target species that occur on the Project site and the avoidance measures that must be taken during Project activities to avoid adverse impacts to these species. WEAP training for all workers on the Project

site will be executed by the Designated Biologist. The Designated Biologist will also review, approve, and supervise biologists working as Desert Tortoise Monitors on site.

- **Authorized Biologist.** An Authorized Biologist is experienced with desert tortoise ecology and principles of conservation ecology and will have their qualifications submitted for review by the BLM and authorized by the USFWS and CDFW under the Project permits to handle desert tortoises. Authorized Biologists will serve as crew leads during field surveys and would be responsible for all handling activities for desert tortoises. Additional activities such as transmittering, health assessments, and blood withdrawals require further qualifications and authorizations from the wildlife agencies. Because of various monitoring activities and staff availability, more than one Authorized Biologist may be assigned to the Project. One Authorized Biologist may serve as the Lead Authorized Biologist for resource agencies regarding desert tortoise mitigation and compliance. The Lead Authorized Biologist shall conduct or oversee preconstruction clearance surveys for work areas and ensure that all Biological Monitors are implementing biological compliance requirements properly during construction activities.
- **Biological Monitor.** Biological Monitors are biologists who will work under the direct supervision and guidance of the Lead Biologist and Lead Authorized Biologist to assist with clearance surveys and compliance monitoring. They may also handle desert tortoise under direct supervision of an Authorized Biologist. Biological Monitors will support the Lead Authorized Biologist in implementation and compliance monitoring tasks, including watching for tortoises wandering into the construction areas, ensuring that all personnel are checking under vehicles and equipment prior to moving, and examining excavations and other potential pitfalls for entrapped animals and aid with survey needs/requirements.

3.2. Wildlife Exclusion Fencing

3.2.1. Solar Facility Components

Prior to construction of solar facility, desert tortoise exclusion fencing will be installed around the entirety of the approved solar field construction areas, as well as parking and laydown areas.

No more than 10 days prior to the initiation of fence construction, a pre-activity multi-species survey will be conducted using techniques that provide 100% visual coverage of the disturbance area. Qualified biologists will walk along linear transects throughout the potential fencing disturbance area, spaced 5 meters apart and 20 meters from the fence centerline (total = 40 meters, 130 feet) with an additional buffer area of 30 meters (100 feet), spaced at 10 meters. All burrows and burrow complexes that may be used by any target species identified in this Plan will be examined to determine occupancy. If any burrow within the potential disturbance area for fence construction or inside the planned fence line is determined to be unoccupied, it will be carefully collapsed per guidelines from the Desert Tortoise Field Manual (USFWS, 2009). If a burrow is potentially occupied by a target species, then further actions will be required (see Sections 3.3 through 3.6).

A Biological Monitor will be present during all fencing installation activities. The Biological Monitor will inspect the work area for biological resources prior to ground disturbance or vehicle access to ensure that no special-status species have moved into the work area. All parked vehicles and equipment, and the ground beneath them, will be inspected for wildlife prior to being moved. If at any time a special-status species moves into the work area, activities will halt until the animal moves out of the work site on its own accord or is moved from harm's way under state and federal authorization and according to any conditions identified in applicable authorizations. Desert tortoises will not be handled at any time, except by a biologist authorized to do so under state and federal authorizations; any potential handling of a desert tortoise will be in accordance with all qualifications and conditions identified in the authorizations (desert tortoise are addressed in detail in the Desert Tortoise Protection and Translocation Plan (see POD Appendix I).

Fencing will include a desert tortoise exclusion gate and/or grating. This gate will remain closed at all times, except when vehicles are entering or leaving the Project area. If it is deemed necessary to leave the gate open for extended periods of time (e.g., during high traffic periods), a Biological Monitor will be present to monitor for desert tortoise and other wildlife activity in the vicinity.

At the discretion of the Project owner and in consultation with resource agencies, security fencing will be collocated with the permanent desert tortoise exclusion fencing.

3.2.2. Gen-tie Line Components

The linear components of the Project will have no exclusion fencing installed prior to construction activities.

3.2.3. Fencing Requirements

Exclusion fencing material and installation techniques will follow the specifications in the Desert Tortoise Field Manual (USFWS, 2009).

Fence inspections will occur daily for two weeks following fence installation. If no desert tortoises are observed fence-walking, inspections will occur weekly during desert tortoise active seasons (April 1 to May 31 and September 1 to October 31) and monthly during non-active seasons (June to September, November to March). Inspections will occur at this frequency throughout the construction phase unless desert tortoises are observed fence-walking. Fence inspection will also occur immediately following all substantial rain or storm events. Any damage to the fence shall be temporarily repaired immediately upon identification and permanently repaired within 48 hours. Additional inspections may be added if needed, as described in the Desert Tortoise Protection and Translocation Plan (see POD Appendix I). If desert tortoises are observed fence-walking, the applicant will notify the BLM, Riverside County, CDFW, and USFWS for guidance on how to proceed.

3.3. Pre-Construction Multi-Species Clearance Survey

3.3.1. Solar Facility Components

Clearance surveys within installed desert tortoise fencing will occur within the protocol survey periods for desert tortoise. If initiation of construction activities occurs more than two weeks after, then a separate multi-species preconstruction clearance survey will be conducted within 2 weeks of initiating construction activities.

Surveys will be led by biologists experienced with the Chuckwalla Valley and/or the special-status species listed below. In addition to detecting any special-status species that may be present within the fenced area, the surveys will also inform the need for potential exclusion buffers and monitoring for individual species. Surveys will consist of 100% visual coverage using pedestrian belt transects spaced at 5-meter intervals. An additional 500-foot (150-meter) buffer outside the Project boundary will also be surveyed with pedestrian belt transects spaced at 10 meters apart, where possible, to identify any potentially active burrows or complexes that may be indirectly affected by construction activities.

The type of sign that will be searched for during the clearance survey will include the following:

- Desert tortoise: live individuals, potential burrows, scat, and carcasses. All desert tortoise sign will be immediately reported to the Project's Authorized Biologist.
- Desert kit fox and American badger: live individuals, complexes/dens (marked as either inactive, potentially active, active), and scat

- Burrowing owl: live individuals, burrows (marked as inactive, potentially active, active), whitewash, pellets, and feathers

Any burrows or den complexes identified during this survey will be classified as inactive, possibly active, or active. A burrow/den complex within the Project site that is classified as inactive (no sign of special-status species) and confirmed to be unoccupied will be excavated. Inactive burrows within the buffer zone will be excavated only if they will be directly impacted by construction activities, such as burrows or den complexes just outside Project boundaries that may become occupied later. Excavation and backfilling techniques will be conducted in accordance with standard desert tortoise burrow excavation protocols (USFWS, 2009). The desert tortoise protocols are suitable for the other species, and protocol excavation methods for those species are not available. All burrows and kit fox den complexes that are potentially active or active with live individuals inside will be further observed per the requirements of individual species as outlined in Sections 3.3 through 3.6.

After the first pass of the multi-species pre-construction clearance survey is complete, at least one additional 100% visual coverage pass on transects perpendicular to the first, will occur. If no live target species or their sign is observed on these two passes, the clearance survey will be complete. If a live desert tortoise is observed, a third pass will be required after consultation with the agencies.

3.3.2. Gen-tie Line Components

Preconstruction clearance surveys on the gen-tie route will be conducted by walking one pass of 5 meter transects within the proposed disturbance areas (including roads, pads, and pull areas) no more than 10 days prior to construction. An additional 500-foot (150-meter) buffer will be surveyed with 10 meter transects as possible to identify any active burrows for special-status species that may be indirectly affected by construction activities. The survey results will also inform the need for potential exclusion buffers and additional monitoring for individual species. On-site construction monitoring will be implemented as described below for each species. Refer to the Project's Desert Tortoise Protection and Translocation Plan (see POD Appendix I) regarding specific monitoring requirements for desert tortoise.

Sign of desert tortoise, desert kit fox, American badger, burrowing owl, and other special-status wildlife will be recorded, as stated above for solar facility sites. Sign of desert tortoise will be immediately reported to the Project's Authorized Biologist. Inactive and unoccupied burrows and dens will be excavated only if they will be directly affected by construction activities. Determination of active or inactive burrows will follow the procedure described below for each species.

3.4. Construction Monitoring

3.4.1. Fenced Areas

Multi-species pre-construction clearance surveys within fenced construction areas will be conducted within 2 weeks of initiating ground disturbance and vegetation removal activities (Section 3.3.1). Biological Monitors will be present during vegetation removal and ground disturbance to ensure that wildlife is not present. Clearing activities will be stopped by the Biological Monitor if any target species or other special-status species, are found in the work area. Clearing activities will proceed at the site only after the animal has either moved away of its own accord or is moved from harm's way by a biologist with state and federal authorization, as required, and according to any conditions identified in applicable authorizations. After vegetation is cleared, biological monitors will perform spot checks in fenced areas immediately prior to initiation of construction to ensure that no wildlife have re-entered the site.

3.4.2. Gen-tie Line Components

Biological Monitors will be present for any ground disturbing activities that may occur on the linear components. Biological monitors will escort construction vehicles and inspect work areas prior to crews beginning any ground disturbance. All parked vehicles and equipment, and the ground beneath them, will be inspected for wildlife prior to being moved. Work activities will be stopped by the Biological Monitor if any target species or other special-status species, such as desert tortoise, enters the work area. Work activities will proceed at the site only after the animal has either moved away of its own accord or, is moved from harm's way by a biologist with state and federal authorization and according to any conditions identified in applicable authorizations. Any potential hazards to wildlife (e.g., auger holes, steep-sided depressions) will be covered and will have temporary exclusionary fencing installed at the end of the workday per standard temporary fencing (USFWS, 2009); they will not be left uncovered overnight.

3.5. Couch's Spadefoot Toad

Couch's spadefoot toad was not observed, but potential suitable breeding habitat is present within the Project site in areas where water accumulates (see POD Appendix G [Ironwood, 2022]). Potential breeding habitat identified during wildlife surveys would be inspected after sufficient rainfall for Couch's spadefoot toad. If Couch's spadefoot toads are found on the Project site, the permitting and wildlife agencies will be consulted in order to develop an avoidance strategy.

3.6. Desert Kit Fox and American Badger

3.6.1. Den Monitoring and Excavation

All desert kit fox or badger den complexes identified as potentially active or active within the Project footprint (solar facilities and gen-tie work sites) will be monitored for a minimum of 3 consecutive nights. Surveys shall monitor for tracks in loose dirt at den entrances or using a tracking medium (e.g., diatomaceous earth) and infra-red cameras at the den entrance(s). Using both methods (monitoring tracks and cameras) will help to ascertain whether desert kit fox or badger in photos are actively using den sites or are merely visiting other dens within their range. Steps for den monitoring are outlined below:

Setup for Monitoring

- The apron of the den entrances and the start of the tunnel will be swept clean of all tracks and all visible scat will be removed. Any brush used at multiple den locations must be sprayed with a 10% bleach solution after each use to prevent dispersing pathogenic microorganisms. Alternatively, each den/ complex can have its own brush for sweeping.
- Tracking media (i.e., diatomaceous earth) will be sifted and spread around den entrances with hard soils, due to low detectability of tracks on this soil type. This technique would not be used during prohibitive weather conditions (i.e., high wind or rain) and at dens located outside Project boundaries within buffer areas.
- An infrared camera will be positioned on a secured stake, away from the den (within 10 meters) so that the field of view captures all den entrances. If it is not possible to capture the entire field of view with one camera, additional cameras will be used as needed to determine activity status. Monitoring dens outside of the Project disturbance area, when required, will be accomplished with infra-red cameras only. Cameras will be disinfected by spraying with a 10% bleach solution prior to moving them to another den location.

Initial Visits

- Cameras and dens will be monitored daily for confirmation of den occupancy for a minimum of 3 consecutive nights. Where required, cameras off site within buffer areas will be minimally monitored once per week for off-site desert kit fox/badger.
- Following each monitoring visit to a den (after tracking information is collected) the same sweeping or sifting procedures will be used to prepare all entrances for the next monitoring period to prevent re-identification of tracks or other activity from prior visits.
- Biologists visiting dens will disinfect their shoes between visits to each den complex with 10% bleach solution prior to moving to another den site.
- Each active or potentially active den will be further classified as active, non-natal, or natal (pups are present) based on tracks or photos observed after the initial 3 consecutive nights.

Monitoring Classified Dens

- Potential natal dens will be monitored for a minimum of 3 additional consecutive nights using infra-red beam cameras and/or tracking medium to determine their status. If a den or complex is determined to be natal, the permitting and wildlife agencies will be notified via email within 24 hours of the discovery.
- Natal dens will continue to be monitored by cameras and/or weekly visits until it has been determined that the young are independent enough to travel with the parents off site and hunt on their own. CDFW approval will be required prior to passive relocation.
- Active, non-natal dens can be passively relocated per techniques described in Section 3.7.3.
- If after 3 nights of den monitoring, no desert kit fox/badger tracks are found at the burrow entrance and no photos of the target species using the den are observed, it will be determined that the desert kit fox/badger den or complex is inactive and will be excavated.

Den Excavation

- Dens and complexes that will not be directly impacted by construction will not be excavated.
- After confirmation that a burrow located within a proposed disturbance area is inactive or unoccupied, excavation and backfilling will be conducted in accordance with standard approved desert tortoise burrow excavation and protocols. Excavation will use hand tools or a small driver-operated backhoe under close supervision of a qualified biologist, as there are no excavation standards and protocols for desert kit fox or badger.
- At any time if a desert kit fox or badger emerges from a burrow during excavation, activities will cease, and monitoring will be reinitiated.
- Confirmed active dens may be excavated only after successful passive relocation of the animals (Section 3.7.3). Potentially active natal dens will not be passively relocated or excavated until monitoring confirms that the dens are no longer in active use as natal dens. Active dens identified early in the pupping season, from February 1 to April 30, will not be passively relocated or excavated without prior approval from CDFW.

3.6.2. Exclusion Buffer

If an active, non-natal den is detected within the Project footprint area, then a 30 to 90-meter (100 to 300-foot) construction exclusion zone will be established, and passive relocation techniques will be used. The buffer area will be maintained until passive relocation is successfully completed. If an active natal den

is detected within the Project footprint area, a 150-meter (500-foot) construction exclusion zone will be established, and passive relocation will not be implemented until monitoring confirms that the den is no longer in active use as a natal den.

3.6.3. Passive Relocation

Passive relocation will occur after all dens determined to be inactive have been excavated so that the animals do not move into a previously inactive den in the Project footprint. When an active den is determined to be non-natal, passive relocation methods may be used and are outlined below:

Initial Relocation Efforts

- Spray deterrents, transistor radios, and ultrasonic emitters may be used for 3 nights to discourage use of dens.
- If deterrents are unsuccessful in discouraging use of dens, the Designated Biologist/Authorized Biologist will coordinate with CDFW to prepare an alternative relocation method, such as the two methods below.

Alternative Options

- The den will be progressively blocked with natural materials (i.e., rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next 3 to 5 nights to discourage continued use.
- Bag barriers consisting of plastic grocery bags or similar size bags made from erosion-control jute net, stuffed loosely with newspaper will be placed at each individual den entrance. Bag barriers will be secured to a nearby shrub, if possible, and loosely placed in the den opening so that a fox can safely emerge without difficulty.
- Either option will be implemented for 3 to 5 nights to discourage continued use of the den. If alternative options are insufficient for successful passive relocation, installation of one-way doors will be implemented.

One-Way Doors

- Installation of one-way doors will proceed when all other passive relocation options are unsuccessful.
- Installation of one-way doors will take place at all entrances within a den complex and will occur in the afternoon while desert kit fox or badger are inactive and deep within the den complex.
- If any desert kit fox or badger leave the den complex during one-way door installation, installation will cease until after the desert kit fox or badger have voluntarily left the vicinity of the den complex.
- Following one-way door installation, daily den monitoring with a tracking medium and cameras will continue. On the third day following one-way door installation, all den entrances will be inspected to ensure they are clear of sign and that desert kit fox or badger have vacated.

After passive relocation is confirmed successful, and the den is confirmed to be unoccupied, it will be excavated according to the techniques described in Section 3.7.3. Weekly visits to the location of passive relocation will occur to ensure that desert kit fox or badger do not re-excavate and reoccupy the area if no active ground disturbing construction is occurring within the vicinity. Monitoring will continue during ground disturbing activities according to mitigation measures in Section 1.4.

3.6.4. Canine Distemper Virus

In 2011, mortalities attributed to Canine Distemper Virus (CDV) occurred in desert kit fox populations in the Sonoran Desert near Blythe, California, and in the Chuckwalla Valley. CDV is transmitted by contact with body fluids of infected animals (e.g., nose-to-nose contact), and can be transmitted among multiple carnivore species including domestic dogs and desert kit foxes.

The permitting and wildlife agencies will be notified of the results of ongoing den monitoring and survey results. If these efforts suggest that CDV may be present in the population (through observations and camera images of sick, emaciated individuals), then the permitting and wildlife agencies will be notified by email immediately.

3.7. Burrowing Owl

3.7.1. Burrow Monitoring

Potentially occupied burrows or occupied burrows will be monitored further prior to relocation efforts. Methods for monitoring these potentially occupied burrows will be as follows:

- Any sign of burrowing owl (feathers, whitewash, pellets) will be noted and removed prior to burrow monitoring at any potentially occupied burrows.
- Burrows will be visited twice daily for two days (48 hours) for surveillance purposes, to look for any new sign of burrowing owl.
- The use of motion-activated game cameras can assist monitoring efforts and will be used in combination with burrow visits to determine burrow occupancy. If game cameras are used, they will be placed within 10 meters of occupied burrows for a minimum of 48 hours before any occupancy determination is made.
- If a burrow is determined to be occupied, the appropriate exclusion buffer will be delineated and marked (Section 3.7.2) and passive relocation efforts will be employed if timing is suitable (Section 3.7.3).
- If a burrow is determined to be unoccupied, then excavation will occur using standard tortoise burrow excavation techniques, as there are no standard excavation techniques for burrowing owl.

Only burrowing owl burrows (unoccupied and occupied) that will be directly impacted by construction activities will be excavated. Any unoccupied burrows located outside the construction activity zones will be left in their current condition. If there is an occupied burrow outside the Project footprint area but within the buffer distance, monitoring and avoidance of the burrow will be managed on a case-by-case basis in coordination with CDFW and USFWS, depending on the season, nature of nearby construction activities, and whether the construction site is fenced.

3.7.2. Exclusion Buffer

If an active burrowing owl burrow is detected within any Project disturbance area, or within a 150-meter buffer of the disturbance area, a 150-meter (500-foot) exclusion buffer will be maintained while the burrow remains active or occupied. The buffer may be reduced to 50 meters (160 feet) during the non-breeding season (September 1 to January 31). The size of the buffer may be adjusted based on the time-of-year, and level of disturbance in the area, after consultation with CDFW. Table 1 provides exclusion buffer guidelines for nesting sites (CDFW, 2012); which may be adjusted in the field by the Designated Biologist/Authorized Biologist, in consultation with agency personnel. The southern California breeding

season (defined as the time from pair bonding of adults to fledging of the offspring) generally occurs from February to August, with peak breeding activity from April through July (Haug et al., 1993).

Table 1. Buffer Distance (m) for Occupied Burrowing Owl Burrows, Based on Time of Year and Level of Disturbance

	Buffer Distance (m) and Level of Disturbance*		
Time of Year	**Low**	**Medium**	**High**
April 1 – Aug 15	200	500	500
Aug 16 – Oct 15	200	200	500
Oct 16 – Mar 31	50	100	500

* Levels of disturbance: Low =drive by, low use, once per week; Medium = 15 minutes to 2 hours of activity, less than 49 decibels, one or two passes per day; High = more than 2 hours of activity, more than 49 decibels.

Source: Based on CDFW, 2012; Scobie and Faminow, 2000.

3.7.3. Passive Relocation

Passive relocation will occur only during the non-breeding season, generally September 1 to February 1, but will be adjusted during the late summer months (August and September) if breeding activities are not observed at any occupied burrows. Passive relocation is a technique to exclude burrowing owls from a project site by first, providing replacement burrows off site (if needed); collapsing all unoccupied burrows within the construction site; and finally installing a one-way door on the occupied burrow to evict the burrowing owl without handling it. The methods involved to relocate burrowing owls are outlined below:

Artificial Burrows. Artificial burrows may be constructed off site to replace on-site burrows that may be removed for Project construction. The number of artificial burrows (if any) will be dependent on the availability of suitable unoccupied burrows in the surrounding area and on the number of burrowing owls evicted from the site. Prior to initiating passive relocation, biologists will survey nearby public lands and private lands with site control to identify and inventory suitable unoccupied natural burrows that may be available. If two or more natural burrows are available for each burrowing owl to be evicted, no artificial burrows will be constructed. If fewer suitable natural burrows are available, then new artificial burrows will be constructed to provide a total of two suitable burrows for each burrowing owl to be evicted.

- Artificial burrows will be placed 110 meters to 300 meters from suitable natural burrows or from other artificial burrows to minimize territorial conflicts and nest abandonment by neighboring burrowing owl pairs (if any are present).
- Artificial burrows will be located at least 50 meters outside any temporary or permanent Project impact areas, but as close as possible to the original burrow and no more than one mile from the original burrow location if possible. Artificial burrows will be located in coordination with CDFW and BLM on public land.
- Artificial burrows will be designed, constructed, and installed following guidelines provided in CDFW (2012), Barclay (2008), Barclay et al. (2011), and Johnson et al. (2010 unpublished report). Design will include a large nest chamber (approximately 1,750 cm^2 to 1,960 cm^2 interior floor space) and small diameter (approximately 7.5 cm to 10 cm) entrance tunnel. The tunnel will slope gently downward (15-20°) towards the nest chamber, with a 60° bend in the tunnel approximately midway along its length. The floor of the main chamber will be located 91 cm (36 in.) below ground level. Perching locations such as low mounds (e.g., 17 20 cm) or short perches (< 60 cm) will be added outside (in front of) the burrow. Rocks will be placed at the entrance to prevent trampling and deter predator digging.

- The locations of all natural and artificial burrows will be recorded, and the burrows will be photographed. Distances to the nearest construction activity, road, drainage, and any other natural and artificial burrows will also be recorded. A comparison of vegetation, habitat types, fossorial species usage, and other features will be made between the occupied and artificial burrow sites and will be recorded. All data will be included in progress reports (Section 6).

Artificial Burrow Inspections

- Artificial burrows shall be left in place throughout all phases of the Project.
- All artificial burrows and mapped natural burrows will be monitored for burrowing owl use at least once per quarter throughout the construction phase of the Project. During monitoring visits, the burrows will also be inspected to ensure they are still suitable for burrowing owls.
- As needed, artificial burrows may be cleaned and maintained to ensure suitability for burrowing owl use during the construction phase.
- If natural burrows are no longer suitable for burrowing owl use (e.g., due to mammal digging) new artificial burrows may constructed as replacements, or additional inventories of natural burrows may be needed to ensure sufficient availability.
- After the construction phase of the Project ends, monitoring and maintenance of artificial burrows will be subject to O&M phase monitoring requirements, in coordination with BLM, CDFW, and USFWS.

Burrowing Owl Exclusion

- Following the elimination of all suitable inactive burrows within the construction area and installation of artificial burrows, burrowing owls will be passively excluded from occupied burrows.
- Burrow exclusion will involve the installation of one-way doors in burrow openings during the non-breeding season. One-way trap doors will be installed, completely sealing the entrances to the burrows, and the doors will be left in place for a minimum of 48 hours to ensure owls have left the burrow.
- Documented natural and artificial burrows adjacent to and outside the Project site will be monitored twice daily for at least one week following the installation of the trap doors to confirm burrowing owl use of habitat and burrow availability outside of the impact area.
- If burrowing owls are not detected outside the active burrows after the 48-hour exclusion period, scoping and/or remote cameras may be used to confirm the absence of burrowing owls prior to burrow excavation.

Burrow Excavation

- Following confirmation that passive exclusion burrows are unoccupied, the burrows will be carefully excavated using hand tools, or small tracked equipment, and backfilled to ensure that they are no longer suitable for burrowing owl use.
- If at any time, a burrowing owl emerges during excavation, all activities will halt, and burrow monitoring and passive relocation will begin again.
- The excavation and closure of burrows, including entrance exposure, will be documented, and photographed.

4. DISPOSITION OF SICK, INJURED, OR DEAD WILDLIFE

If an injured, sick, or dead special-status wildlife species is detected within the Project site or buffer during construction, operation, or decommissioning, the Designated Biologist/Authorized Biologist or Project owner will immediately notify the appropriate resource agencies by email (CDFW for all special-status wildlife; USFWS for migratory birds or federally listed species; BLM for special-status species located on BLM lands; Riverside County on private lands). Written follow-up notification via email will be submitted within 24 hours of the incident. Notification will include, at a minimum, the location (GPS record) of the animal, photographs (if available), and any relevant observations made at the time of detection. The animal will be handled only on direction from the wildlife agencies. Health and safety precautions such as gloves will be used at all times when handling the animal.

Sick or injured animals will be transported by the resource agency or under direction of the resource agency to an approved wildlife rehabilitation or veterinarian clinic. The resource agency will determine the final disposition of the injured animal. The Easley Project Designated Biologist/Authorized Biologist will maintain communication with the rehabilitation clinic or veterinarian to monitor the animal's progress or demise and include the outcome in compliance reports (Section 6).

Dead special-status animals will be collected with gloves and immediately frozen (dry ice will not be used). A mortality incident form will be completed with relevant information and photographs. Appropriate transport methods and final disposition of the carcass will be completed as directed by the wildlife agencies. Prior to transport, the carcass will be double-bagged and placed on ice or with ice packs into a cooler or Styrofoam container, contained by a cardboard box. If directed to do so, the carcass will be submitted to CDFW or a CDFW-approved lab for necropsy as soon as possible. The Project will be responsible for the expenses incurred resulting from injured, sick, or dead animals.

5. ADAPTIVE MANAGEMENT

Adaptive management may be employed whenever unexpected issues or special-status species not previously identified occur. Adaptive management may be needed at any time during construction, operations and maintenance, and decommissioning. Generally, adaptive management measures would be implemented if there is evidence of Project-related disturbance or increased risk to desert tortoises or other special status species, where initial protection methods have been deemed ineffective. Monitoring, management, reporting, and adaptive measures will be developed in coordination with the appropriate resource agencies.

6. REPORTING

During the construction phase, reporting per this Plan will be provided in weekly, monthly, quarterly, and annual compliance reports to the permitting and wildlife agencies, as required. During O&M, reports will be provided quarterly unless circumstances arise that require more frequent reporting. These reports will provide a summary of activities performed and will describe the results for each species. Any data recorded will be submitted as appendices to each report or as separate electronic files. Prompt reporting or notification requirements for specific incidents or circumstances (e.g., dead or injured special-status wildlife) are identified above.

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