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Appendix U

Incidental Take Permit Form

California Endangered Species Act Incidental Take Permit Application

Applicant Information

Permittee: IP Darden I, LLC, IP Darden II, LLC, IP Darden III, LLC, IP Darden IV, LLC, IP Darden BESS I, LLC, IP Darden BESS II, LLC, IP Darden BESS III, LLC, IP Darden BESS IV, LLC, IP Darden I H2, LLC, IP Darden II H2, LLC, and IP Darden BAAH, LLC. Wholly owned subsidiaries of Intersect Power, LLC.

Principal Officer: Simon Ross, Chief Commercial Officer of Intersect Power, LLC (the indirect Parent of the above listed entities)

Contact Person: Becky Moores, Director, Environmental and Permitting

Mailing Address: IP Darden I, LLC and Affiliates
c/o Intersect Power, LLC
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Beaverton, Oregon 97008

Covered Species

Swainson's hawk (*Buteo swainsoni*) – California Endangered Species Act Threatened

Project Description

The Darden Clean Energy Project (Project) consists of the construction, operation, and eventual repowering or decommissioning of a 1,150 megawatt (MW) solar photovoltaic (PV) facility, an up-to 4,600 megawatt-hour (MWh) battery energy storage system (BESS), an up to 1,150 MW green hydrogen facility, a 34.5-500 kilovolt (kV) grid step-up substation, a 10 to 15-mile 500 kV generation intertie (gen-tie) line, a Pacific Gas and Electric Company (PG&E)-owned 500 kV utility switchyard along the Los Banos-Midway #2 500 kV transmission line, and appurtenances. A full Project description is provided in Chapter 2, *Project Description* of the CEC Opt-In Application.

Project Location

The Project is located in unincorporated Fresno County south of the community of Cantua Creek, extending from South Butte Avenue to the east to the west side of Interstate 5 to the west. A detailed description of the Project location is provided in Section 1.2 of Appendix Q Biological Resources Assessment; Figures 1 and 2 show the regional and Project site location.

Impact Analysis

The Project may result in direct and indirect impacts to Swainson's hawk, including take. Direct and indirect Project impacts to nesting and foraging Swainson's hawks are discussed in Section 5.12, *Biological Resources*, Section 5.1.2 of Appendix Q, *Biological Resources Assessment* and Section 5.4 of Appendix V, *Swainson's Hawk Conservation Strategy*.

Jeopardy Analysis

The Swainson's hawk was historically threatened by habitat loss (e.g., conversion of foraging and nesting habitat to unsuitable agricultural land use), residential and commercial development and pesticide use; however, recent research has documented significant increases in population numbers in the Central Valley of California, particularly in the Sacramento region where nesting habitat is abundant. Refer to Section 3.2 of Appendix V, *Swainson's Hawk Conservation Strategy* for a discussion of Swainson's hawk population trends and known threats to the species. The Project would not result in

a significant impact to the regional population of Swainson's hawk through loss of suitable foraging habitat at the project level, nor would it contribute to a significant cumulative impact in concert with other planned or reasonably foreseeable solar projects. Refer to Section 5.12.4 of Section 5.12, *Biological Resources* and Appendix Q-8, *Analysis of Project Impacts to Swainson's Hawk Foraging Habitat* of Appendix Q, *Biological Resources Assessment* for a discussion of reasonably foreseeable impacts on the species from other related projects and activities.

Proposed Mitigation Measures

Direct impacts to nesting Swainson's hawk would be avoided and minimized through implementation of applicant proposed measure (APM) BIO-1 (Swainson's Hawk Conservation Strategy) and through implementation of Mitigation Measures BIO-1 (Construction Worker Environmental Awareness Training and Education Program), BIO-7 (Pre-construction Surveys for Nesting Birds and Common Raptors), and BIO-8 (Nest Buffers). Potential impacts to foraging habitat are considered less than significant without mitigation. However, Intersect Power is proposing to implement a habitat restoration and vegetation management approach designed to improve foraging habitat within the solar development areas of the Project to promote the long-term stability of Swainson's hawk populations in the context of future renewable energy projects that are anticipated for California's southern San Joaquin Valley, and will be essential to meet California's clean energy goals. Refer to Chapter 2, *Project Description* of the CEC Opt-In Application and Appendix V, *Swainson's Hawk Conservation Strategy* for the full text of APM BIO-1. Refer to Section 5.12, *Biological Resources* for the full text of BIO-1, BIO-7, and BIO-8.

The Swainson's Hawk Conservation Strategy (Appendix V) seeks to ensure that the direct and indirect impacts of the project are temporary, less than significant under the California Environmental Quality Act (CEQA), and fully mitigated to allow for issuance of an Incidental Take Permit.

Mitigation and Monitoring Plan

The Swainson's Hawk Conservation Strategy (Appendix V) includes a plan to monitor compliance with the minimization and mitigation measures (refer to Sections 6.2 and 6.3) and includes success criteria to evaluate the effectiveness of the measures (refer to Section 7).

Funding Sources and Availability

The Permittee would directly fund implementation of the Swainson's Hawk Conservation Strategy (Appendix V) including funding an independent research program to be conducted by Cornell University, under Dr. Grodsky as Principal Investigator. Funding is intended to support two (2) years of preconstruction research and up to 10 years of post-construction research.

Documentation of CEQA Compliance

The Project's Opt-In Application analysis and process is CEQA equivalent. All requirements under CEQA are met with the analysis in the Project's Opt-In Application.