



DEPARTMENT OF THE INTERIOR  
 U.S. FISH & WILDLIFE SERVICE  
 Endangered Species Permit Office  
 2800 Cottage Way, Suite W-2606  
 Sacramento, CA 95825-1846  
 permitsR8ES@fws.gov

**FEDERAL FISH AND WILDLIFE PERMIT**

1. PERMITTEE

RE BARREN RIDGE 1 LLC  
 300 CALIFORNIA STREET, 7TH FLOOR  
 SAN FRANCISCO, CA 94101

2. AUTHORITY-STATUTES  
 16 USC 1533(d)

REGULATIONS  
 50 CFR 17.32

50 CFR 13

3. NUMBER  
**TE53276B-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
 2/17/2015

7. EXPIRES  
 2/17/2015

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
 SETH ISREAL  
 VICE PRESIDENT

9. TYPE OF PERMIT  
 NATIVE THREATENED SP. HABITAT CONSERVATION PLAN - T  
 WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Multiple parcels: The solar site is located in eastern Kern County, approximately 6 miles to the northwest of the City of California City. Mitigation lands would be located in northwestern San Bernardino County, within the Superior-Cronese Critical Habitat Unit for the desert tortoise.

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

E. The Permittee and designated agents are authorized under the Endangered Species Act of 1973, as amended, to incidentally take (injure, kill, capture) the desert tortoise (*Gopherus agassizii*; threatened) on the 500-acre solar site and the 1,566.87-acre mitigation site.

Construction: All desert tortoises within the solar site are likely to be taken. The maximum number of desert tortoises larger than 180 millimeters that may be killed or injured is 2. The maximum number of desert tortoises larger than 180 millimeters that may be killed, injured, and captured and translocated is any combination that equals 7. We are not establishing a maximum number of desert tortoises smaller than 180 millimeters or eggs that may be killed, injured, and captured and translocated.

Translocation of Desert Tortoises from the Solar Site: The maximum number of desert tortoises larger than 180 millimeters that may be killed or injured is 1. We are not establishing a maximum number of eggs that may be killed or translocated.

Operations, Maintenance, and Decommissioning: The maximum number of desert tortoises larger than 180 millimeters that may be killed or injured is 1 in any calendar year or 5 cumulatively. We are not establishing a maximum number of desert tortoises that may be captured and translocated.

Enhancement and Management of the Mitigation Lands: The maximum number of desert tortoises that may be killed or injured is 2. We are not establishing a maximum number of desert tortoises that may be captured and moved from harm's way.

Take is authorized to the extent that take of this species would otherwise be prohibited under section 9 of the Endangered Species Act and its implementing regulations or pursuant to a rule promulgated under section 4(d) of the Endangered Species Act. Take must be incidental to otherwise lawful activities associated with the covered activities, as described in the habitat conservation plan and conditioned herein.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY:  TITLE: DEPUTY REGIONAL DIRECTOR

DATE: 2/17/2015

F. Upon finding a dead or injured desert tortoise or unanticipated take associated with activities authorized under this incidental take permit, the Permittee or designated agents must notify the Palm Springs Fish and Wildlife Office within 3 days at (760) 322-2070. The Permittee must take injured desert tortoises to a qualified veterinarian for treatment and contact the Service regarding their final disposition if they survive.

G. All reporting shall be prepared as described in the habitat conservation plan.

H. One copy of the report must be submitted to the Palm Springs Fish and Wildlife Office at 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, California 92262.

I. A copy of this permit must be in the possession of the Permittee and designated agents while conducting activities that may result in take. Please refer to the permit number in all correspondence concerning permit activities. Please direct any questions you have about this permit to the Assistant Field Supervisor at the number above.

J. The Permittee will permanently conserve approximately 500 acres of desert tortoise habitat as a result of this habitat conservation plan.

K. The habitat conservation plan and its associated documents are incorporated herein. The Service has adopted the protective measures proposed in the habitat conservation plan and its associated documents, as modified by the Service's biological opinion, as terms and conditions of this permit. Notwithstanding such incorporation, the habitat conservation plan was drafted by the Permittee and submitted to the Service in support of its application for a permit. Characterizations, analyses, and representations in the habitat conservation plan and, in particular, characterizations, analyses, and representations in the habitat conservation plan of Federal laws, regulations, and policies represent the views of the Permittee and do not control the administration of the permit by the Service in accordance with Federal laws, regulations, and policies. In the event of any inconsistencies between the habitat conservation plan and the permit, the permit controls.