

EXHIBIT A

Jointly Requested Supplements to the Application and Additional Conditions of Approval P22-00093-TM

NOVA BUSINESS PARK LLC (NOVA) and WATER AUDIT CALIFORNIA ("Water Audit") jointly request that the approval of the Tentative Map to include the following exhibits as additional or replacement attachments to the Application and proposed Additional Conditions of Approval:

1. Additional Condition of Approval: Prior to issuance of any County permits, NOVA or its assignee in interest shall obtain a U.S. Army Corps 404 permit for the project and a Corps approved delineation, either separately or as part of the 404 permits for the Property.
2. Additional Condition of Approval: If Project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* and prepare a report documenting the survey results;
(See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>)
3. Additional Condition of Approval: The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. *If take of Swainson's hawk cannot be avoided,*

the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence;

4. Additional Condition of Approval: A qualified biologist shall conduct a habitat assessment and surveys for wintering burrowing owls prior to construction if construction starts during the burrowing wintering season (September 1 to January 31) Surveys shall be conducted if warranted based on the habitat assessment. The habitat assessment and surveys shall follow the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) methodology (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) and the qualified biologist shall prepare a report documenting the survey results. The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW. Surveys for non-breeding burrowing owls shall be spread over four visits during the non-breeding season (i.e., wintering), September 1 to January 31. Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the above methodology resulting in burrowing owl detections. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW;
5. Additional Condition of Approval: If the Project would impact an occupied burrow where a non-nesting owl would be evicted as described below, the following habitat mitigation shall be implemented prior to Project construction.

Impacts to each non-nesting (i.e., wintering) burrowing owl site shall be mitigated by permanent preservation of one burrowing owl occupied non-nesting (i.e., wintering) sites with appropriate foraging habitat within the County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity.

The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

As stated in CDFW's comment letter dated December 20, 20223, CDFW's position is that exclusion of burrowing owls (i.e., passive removal of an owl from its burrow or other

shelter) shall not be deemed a "take" avoidance, minimization, or mitigation measure for the reasons outlined below. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owls are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or "take" which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid "take." Habitat compensation shall be provided for any evicted owl as described above and the Project shall obtain CDFW's written acceptance of the eviction plan;

6. Additional Condition of Approval: To prevent burrowing owls from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.