

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
CENTRAL REGION  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710



AMENDMENT NO. 1  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2020-039-04  
American Gro. Eco., LLC  
Shepard Place Cannabis Facility in Kern County

## **INTRODUCTION**

On April 29, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2020-039-04 (ITP) to American Gro. Eco., LLC (Permittee), authorizing take. Desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Spermophilus mohavensis*) (collectively, the Covered Species) associated with and incidental to the Shepard Place Cannabis Facility in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the development of 0.4 acres of previously undeveloped land, into a cannabis cultivation and manufacturing facility. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

On May 3, 2021, CDFW received an electronic mail message from the Permittee indicating that the Permittee name listed in the ITP was incorrect.

This Minor Amendment No. 1 (Amendment) makes the following single specific change to the existing ITP:

This Amendment makes one specific modification to the ITP by changing the Permittee from American Gro. Eco., LLC to American Gro. Eco, Inc.

## **AMENDMENT**

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

1. The first page of the ITP indicating the Permittee shall be amended to read:

<b>Permittee:</b>	<del>American Gro. Eco., LLC</del> <b><i>American Gro. Eco., Inc.</i></b>
<b>Principal Officer:</b>	<b>Scott Chou, Chief Executive Officer</b>
<b>Contact Person:</b>	<b>Scott Chou, 909-294-6685</b>

**Mailing Address: 18351 Colima Road, Suite 577  
Rowland Heights, CA 91748**

2. The footer of each page of the ITP shall be amended to read:

Incidental Take Permit  
No. 2081-2020-039-04  
~~American Gro. Eco., LLC~~ **American Gro. Eco., Inc.**  
Shepard Place Cannabis Facility

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 not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment makes one specific change to the ITP as originally issued. The single specific change updates the Permittee to reflect the correct business designation. The resulting impacts to the Covered Species as a result of the Project, will remain the same.

CDFW has determined that the change to the ITP will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the ITP described in this Amendment, including updating the Permittee name, will not increase impacts to the Covered Species.

*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 2021 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: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on 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 2021 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering Mitigated Negative Declaration (SCH No.: 2020050074) dated June 16, 2020, that the City of California City certified as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by the City of California City during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. 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 Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).*

Discussion: This Amendment changes the business designation of the Permittee. This change to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not 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 Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

Minor Amendment No. 1  
Incidental Take Permit 2081-2020-039-04  
AMERICAN GRO. ECO., INC.  
Shepard Place Cannabis Facility

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

Alternatively, the Permittee shall email the digitally signed Amendment to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

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

on 6/30/2021

DocuSigned by:  
*Gerald Hatler*  
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for Julie Vance  
Regional Manager  
Central 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: DocuSigned by:  
*Scott Chou*  
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Date: 6/30/2021

Printed Name: Scott Chou

Title: CEO

Minor Amendment No. 1  
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AMERICAN GRO. ECO., INC.  
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