



State of California –The Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Central Region

1234 East Shaw Avenue

Fresno, California 93710

(559) 243-4005

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*

*CHARLTON H. BONHAM, Director*



August 12, 2022

Robbie Barker, Principal

R&L Capital, Inc.

Post Office Box 907

Trona, California 93592

**Subject: Incidental Take Permit Amendment No. 1 for the RB Inyokern Solar Project  
(2081-2020-001-04)**

Dear Mr. Barker:

Enclosed you will find an electronic copy Amendment No. 1 of the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

Alternatively, you may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

You are advised to keep the permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDW staff when requested.

The amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the amendment, please contact Carrie Swanberg, Senior Environmental Scientist (Specialist), at [carrie.swanberg@wildlife.ca.gov](mailto:carrie.swanberg@wildlife.ca.gov) or (559) 538-4110.

Sincerely,

DocuSigned by:

FA83F09FE08945A

Julie Vance, Regional Manager

Central Region

California Department of Fish and Wildlife

Enclosure

*Conserving California's Wildlife Since 1870*

**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. 2081-2020-001-04  
R&L Capital, Inc.  
RB Inyokern Solar Project in Kern County

## **INTRODUCTION**

On July 22, 2020, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2020-001-04 (ITP) to R&L Capital, Inc. (Permittee) authorizing take of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xerospermophilus mohavensis*) (collectively, the Covered Species) associated with and incidental to the RB Inyokern Solar Project in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW included the construction, operation, maintenance, and ultimate decommissioning of a single axis tracking photovoltaic solar facility on 166.5 acres that will interconnect to an existing Southern California Edison pole onsite, that is part of a 33-kilovolt electrical distribution line that ties to a substation located approximately 0.5 mile east of the Project site. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

In an electronic mail dated August 8, 2022, Permittee requested an amendment of the ITP to extend the timeline in which the security must be provided.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP, as amended:

1. Allows the security to be provided to CDFW either prior to the start of Covered Activities or up to 18 months following the effective date of the ITP.

## **AMENDMENT**

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

1. Condition of Approval 8.3 on page 29 shall be amended to read:

Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within ~~30 days~~ **18 months** after the effective date of this ITP, whichever occurs first

2. MMRP:

The Security Timeline in Item 56 of the MMRP shall be amended to read as above.

**FINDINGS**

*Issuance of this Amendment will not increase the amount of take of the Covered Species as compared to the Project as originally approved, and this Amendment will not 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 extends the timeline in which security funding may be provided.

CDFW has determined that the security timeline extension 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 Project or Conditions of the ITP, as amended, and as described in this Amendment will not increase impacts to the Covered Species.

*Issuance of this Amendment does not affect CDFW’s previous determination that issuance of the ITP, as amended, 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 July 2022 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 No. 1 because the Project and ITP: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively 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, as amended, 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 July 2022 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Environmental Impact Report (SCH No. 2017071020) adopted by Kern County, the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a minor change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. 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 will extend the timeline in which security funding must be provided. As described above, this change to the ITP, as amended, will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, as amended; (2) affect Permittee's substantive mitigation obligations under the ITP, as amended; (3) require further environmental review under CEQA; or (4) increase permanent 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, as amended. CDFW has determined that the change to the ITP, as amended, 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:

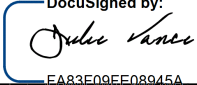
California Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, California 94244-2090

Minor Amendment No. 1  
Incidental Take Permit 2081-2020-001-04  
R&L CAPITAL, INC.  
RB Inyokern Solar Project

Alternatively, the Permittee shall email the digitally signed amendment to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

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

on 8/12/2022

DocuSigned by:  
  
FA83E09FE08945A...

Julie A. 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:   
709BEFA3DC8E414

Date: 8/13/2022

Printed Name: Robbie Barker

Title: president

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R&L CAPITAL, INC.  
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