

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



AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2019-034-04
Chevron North America Exploration and Production Company,
a Division of Chevron U.S.A., Inc
Cymric Surface Expression Emergency Cleanup Project in Kern County

INTRODUCTION

On August 14, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2019-034-04 (ITP) to Chevron North America Exploration and Production Company, a Division of Chevron U.S.A., Inc (Permittee), authorizing take of giant kangaroo rat (*Dipodomys ingens*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the Cymric Surface Expression Emergency Cleanup Project in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW includes activities associated with the cleanup, source identification, well abandonments, facility construction, and other well work and activities related to identifying and stopping flow of the surface expressions that released crude oil and produced water into a dry streambed, as well as wildlife exclusion and hazing activities, and site access and travel by vehicles and equipment, including the increased use of existing roads, pads, facilities, etc. for personnel, security staff, and visitors associated with the Project. 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.

In an email dated August 23, 2019, the Permittee requested a change to the Project location and description to add another Work Area to the Project Area, the 31X Portable Tank Storage Area, located in Township 29 South, Range 22 East, Section 31, approximately 0.70 miles northeast of the cleanup Work Area. This change will also add activities related to storage of oil and produced water fluids and wet solids in 15 portable storage tanks located in the new Work Area to the Project Description and Covered Activities. This addition will increase the total Project footprint by 0.89 acre and the impacts to the Covered Species habitat will increase by 0.25 acre.

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SEP 12 2019

Rev. 2018.03.08

HABITAT CONSERVATION
PLANNING BRANCH

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

First, this Amendment adds another Work Area to the Project Area and corrects errors in the Project Location section.

Second, this Amendment adds activities related to storage of oil and produced water fluids and wet solids in 15 portable storage tanks located in the new Work Area to the Project Description and Covered Activities.

Third, this Amendment increases the total footprint of the proposed Project by 0.89 acre and increases the Covered Species habitat impacts by 0.25 acre.

Fourth, this Amendment requires the permanent protection of additional compensatory habitat management lands (HM lands) and accompanying management costs to mitigate for increased Covered Species habitat impacts associated with the change in Project Area.

Fifth, this Amendment increases the Performance Security amount required in order to proceed with Covered Activities.

Sixth, this Amendment revises and accordingly replaces Figure 2 of the ITP with Figure 2a to depict the modified Project Area and Work Areas and adds Figure 6 as an attachment to depict this new Work Area.

AMENDMENT

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

1. The section entitled "Project Location" on page 2 of the ITP shall be amended to read as follows:

The Cymric Surface Expression Emergency Cleanup Project (Project) is located within the existing California Division of Oil, Gas, and Geothermal Resources (DOGGR) Administrative Boundaries of the Cymric Oil Field in western Kern County, California. The Project is approximately 4 miles northwest of the town of McKittrick in Township 30 ~~North~~ ***South***, Range 21 ~~West~~ ***East***, Section 1, ***Township 29 South, Range 21 East, Section 36, and Township 29 South, Range 22 East, Section 31*** (Figure 1). The Project is specifically within Assessor's Parcel Numbers 156-040-03 ***and 099-310-44***, United States Geological Survey

(USGS) 7.5-minute quadrangle map Reward, Mount Diablo Base and Meridian (Figure 22a).

2. The second paragraph of the section entitled "Project Description" on page 2 of the ITP shall be amended to read as follows:

Cleanup of Division 1 consists of pumping of the oil and produced water mixture from the stream with submersible pumps and vacuum trucks **and transporting it to portable tanks located in a storage area (31X Portable Tank Storage Area; Figure 6) for quantification, storage, and separation from the wet solids. The portable tanks are filled by attaching hoses to the tanks and the vacuum trucks and pumping fluids and wet solids in. The fluids and wet solids are stored in up to 15 tanks at this location for sampling and quantification until the fluids are taken to a fluid handling facility and the wet solids are taken to approved off-site waste disposal facilities. In addition,** using a long-armed excavator **is used** to mix clean soil and/or solidifying/absorbent materials into the oil and produced water mixture to absorb the liquid, then excavating the contaminated soil. Front-end loaders then scoop up contaminated soil to take to the staging and stockpile area (1Y Staging Area; Figure 5). At the stockpile area, additional front-end loaders are used to load the contaminated soil into haul trucks for delivery to the approved off-site waste disposal facilities.

3. The fourth paragraph of the section entitled "Project Description" starting on page 2 of the ITP shall be amended to read as follows:

Cleanup response activities include: construction of earthen berms inside and outside of the streambed to contain surface expression fluids and contaminated soil; construction and widening of roadways and ramps for access to safely implement and complete cleanup response activities; construction and widening of pads for access, observation, driving, parking, equipment and vehicle storage, or any other reason required to safely implement and complete cleanup response activities; clearing, grading, cutting, filling, or any dirt moving activity necessary to safely implement and complete cleanup response activities; excavation and removal of any contaminated soils using heavy equipment or any other equipment required to safely implement and complete cleanup response activities; use of submersible pumps and temporary tanks to remove, and store, **and quantify the amount of** standing oil/water mixture; use of vacuum trucks to remove the oil/water mixture **and wet solids from the streambed for transport to portable tanks for quantification, sampling, and storage until they are transported to processing or disposal facilities; onloading, offloading, and storage of oil/water mixture and wet solids in portable tanks via vacuum trucks;** use, storage, and transportation of solidifying/ absorbent materials such as sodium

polyacrylate; transportation of the oil/water mixture, contaminated soils, and clean soils; storage/stockpiling of contaminated soils; excavation of clean soils from a borrow area; seep source identification; well abandonments; facility construction; and other well work and activities related to identifying and stopping seep flow.

4. The second and third paragraphs of the section entitled "Project Description" on page 3 of the ITP shall be amended to read as follows:

The Project also entails site access and travel by vehicles and equipment. These include the increased use of any existing road, pad, facility, etc., for personnel, security staff, and visitors; the use of designated haul routes to and from the streambed and the storage and stockpile areas; ***the use of designated haul routes to and from the streambed to the portable tank storage area***; the use of designated haul routes to and from the storage and stockpile areas to public roadways for transportation of contaminated soils to off-site waste disposal sites; ***and the use of designated haul routes to and from the portable tank storage area to a fluid handling facility or to public roadways for transportation to off-site waste disposal sites*** (Figure 22a).

The total footprint of the proposed Project is approximately ~~28.64~~ **29.53** acres. Within this ~~28.64~~ **29.53** acres, the Project footprint will include the Project Work Areas (defined as discrete areas where covered activities will occur within the Project footprint), excavation areas, staging areas, stockpiling areas, access roadways, ***portable tank storage areas***, and exclusion fencing areas (Figures 4, and 5, ***and 6***). This includes the ~~8.48~~ **8.43** acres of Covered Species habitat that will be temporarily impacted by the excavation, site access, and staging of excavated material and equipment. The remaining ~~20.46~~ **21.10** acres of previously disturbed areas (prior to when the surface expression began) and dirt roadways that will be utilized for Project Area access, ingress and egress, storage, and staging of materials and equipment. The disturbed areas and dirt roadways are existing and consist of hard, compacted soils devoid of vegetation.

5. The section entitled "Impacts on the Taking on Covered Species" on page 4 of the ITP shall be amended to read as follows:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include clearing, grubbing, grading, removing vegetation, cut and fill, ***pumping and vacuuming oil/produced water and wet solids***, excavating to remove contaminated soil, spills or leaks of hydrocarbons or other chemicals, seep source identification, well abandonment, facility construction, other well work and activities

to identify and stop seep flow, **oil/produced water and wet solid storage in portable tanks, onloading and offloading oil/water mixture and wet solids in portable tanks via vacuum trucks**, materials laydown and storage, heavy equipment storage, stockpiling contaminated soil, Project-related traffic, installation and removal of temporary exclusion fencing, use of wildlife hazing methods such as propane cannons and lighting, and other activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as den or burrow collapse that results in crushing or suffocation of underground individuals due to excavation; crushing by equipment; entrapment and burial within excavations; entanglement in, or crushing by, moving equipment parts; or by ingestion of, or entrapment in, spilled oil, produced water, or other hazardous materials. Incidental take, including mortality, of Covered Species due to vehicle strikes may occur in connection with Project-related traffic during cleanup and security activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so from entrapment in excavations, uncovering through the excavation of dens and burrow systems, by corralling into a confined area if exclusion fencing is constructed around the Project Area, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: staging and stockpile areas, excavation areas, **portable tank storage areas**, exclusion fencing areas, access and material haul routes, security routes, at any other areas where Covered Activities will occur (collectively, the Work Area(s)), and traveling to and from each Work Area within the Project Area as depicted in Figure 2 (collectively, the Project Area). The Work Area(s) are defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.

The Project is expected to cause the temporary loss of ~~8.18~~ **8.43** acres of habitat for the Covered Species. There may be Work Areas, such as created access roadways, within this ~~8.18~~ **8.43** acres that are unable to be fully restored. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from excavation, stress and exposure due to capture and relocation, short-term loss of denning and burrowing habitat used for shelter, and long-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

6. The second paragraph of Condition of Approval 6 (Habitat Management Land Acquisition) on page 18 of the ITP shall be amended to read as follows:

To meet this requirement, the Permittee shall either purchase ~~42.27~~ **12.65** acres of Covered Species credit from a CDFW-approved mitigation or conservation bank with habitat credits for the Covered Species (Condition of Approval 6.2) OR provide for both the permanent protection and management of ~~42.27~~ **12.65** acres of Habitat Management (HM) lands with occupied Covered Species habitat pursuant to Condition of Approval 6.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 6.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 7.

7. Condition of Approval 6.1 (Cost Estimates) on pages 18 and 19 of the ITP shall be amended to read as follows:

- 6.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:

- 6.1.1. Land acquisition costs for HM lands identified in Condition of Approval 6.3 below, estimated at \$6,250.00/acre for ~~42.27~~ **12.65** acres: ~~\$76,687.50~~ **\$79,062.50**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees;
- 6.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 6.3.5 below, estimated at ~~\$37,765.07~~ **\$38,276.57**;
- 6.1.3. Interim management period funding as described in Condition of Approval 6.3.6 below, estimated at \$22,009.50;
- 6.1.4. Long-term management funding as described in Condition of Approval 6.4 below, estimated at ~~\$33,982.47~~ **\$33,022.08**/acre (approximately) for ~~42.27~~ **12.65** acres: ~~\$416,964.85~~ **\$417,729.31**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;

- 6.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 6.5, estimated at \$12,000.00.
8. Condition of Approval 6.2 (Covered Species Credits) on page 19 of the ITP shall be amended to read as follows:
- 6.2. Covered Species Credits. Permittee shall purchase ~~42.27~~ **12.65** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank no later than 18 months from the issuance of this ITP since Security will be provided pursuant to Condition of Approval 7 below.
9. Condition of Approval 7.1 (Security Amount) on page 23 of the ITP shall be amended to read as follows:
- 7.1. Security Amount. The Security shall be in the amount of ~~\$565,426.92~~ **\$569,077.88**. This amount is based on the cost estimates identified in Condition of Approval 6.1 above.
10. The section entitled "Attachments" on page 27 of the ITP shall be amended to read:

FIGURE 1	Project Vicinity Map
FIGURE 22a	Project Area Map
FIGURE 3	Project Surface Expression Locations Map
FIGURE 4	Project Impacts Map
FIGURE 5	Project 1Y Staging Area Map
FIGURE 6	Project 31X Portable Tank Storage Area Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

The corresponding measures in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1 of the ITP) shall be amended to read the same as above. 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 increase the amount of take of the Covered Species compared to the Project as originally approved; however, because the HM lands protection and management funding requirements will be commensurately increased, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes six specific changes to the ITP as originally issued. First, this Amendment adds another Work Area to the Project Area and corrects errors in the Project Location section.

Second, this Amendment adds activities to the Project Description and Covered Activities related to storage of oil and produced water fluids and wet solids in 15 portable storage tanks located in the new Work Area.

Third, this Amendment increases the total footprint of the proposed Project by 0.89 acre and increases the Covered Species habitat impacts by 0.25 acre.

Fourth, this Amendment requires the permanent protection of additional compensatory habitat management lands (HM lands) and accompanying management costs to mitigate for increased Covered Species habitat impacts associated with the change in Project Area.

Fifth, this Amendment increases the Performance Security amount required in order to proceed with Covered Activities.

Sixth, this Amendment revises and accordingly replaces Figure 2 of the ITP with Figure 2a to depict the modified Project Area and Work Areas and adds Figure 6 as an attachment to depict this new Work Area.

CDFW has determined that although this Amendment may result in an increase in take of the Covered Species and increased Covered Species habitat impacts, the additional impacts of the taking will be minimized and fully mitigated through implementation of the Conditions of Approval. Because the impacts will be minimized and fully mitigated, there will be no increase in Project impacts to the Covered Species with this Amendment.

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 August 2019 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 increase the habitat compensation in proportion to the increase in impacts so that the fully mitigate standard is still met, (2) does not alter the 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 August 2019 as the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is exempt from CEQA because it is an action "necessary to prevent or mitigate an emergency." (Pub. Resources Code, §21080, subd. (b)(4).). 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 Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: This Amendment adds another Work Area to the Project Area and corrects mistakes made to the location of the original Work Areas, adds activities related to the storage of oil and produced water fluids and wet solids portable storage tanks in the new Work Area to the Project Description and Covered Activities, increases the total footprint of the proposed Project by 0.89 acre and increases the Covered Species habitat impacts by 0.25 acre, and commensurately increases the Habitat Management (HM) Lands protection requirements, estimated management costs, and Performance Security requirements.

As described above, these changes to the ITP will increase the Project Area and Footprint, add another Work Area where Covered Activities will occur, add additional Covered Activities, and modify the Permittee's mitigation obligations. Therefore, this Amendment will substantially increase the scope or nature of the permitted Project or activity, or significantly modify the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the changes to the ITP constitutes a Major

Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

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:

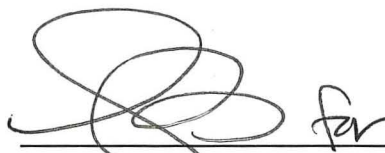
California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090

Attachments:

ATTACHMENT 1	Figure 2a	Project Area Map
ATTACHMENT 2	Figure 6	Project 31X Portable Tank Storage Area Map

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8/30/19



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: Robert Fragnone Date: 9/10/19

Printed Name: ROBERT FRAGNONE Title: OPERATIONS MANAGER

ATTACHMENT 1

Figure 2a Project Area Map

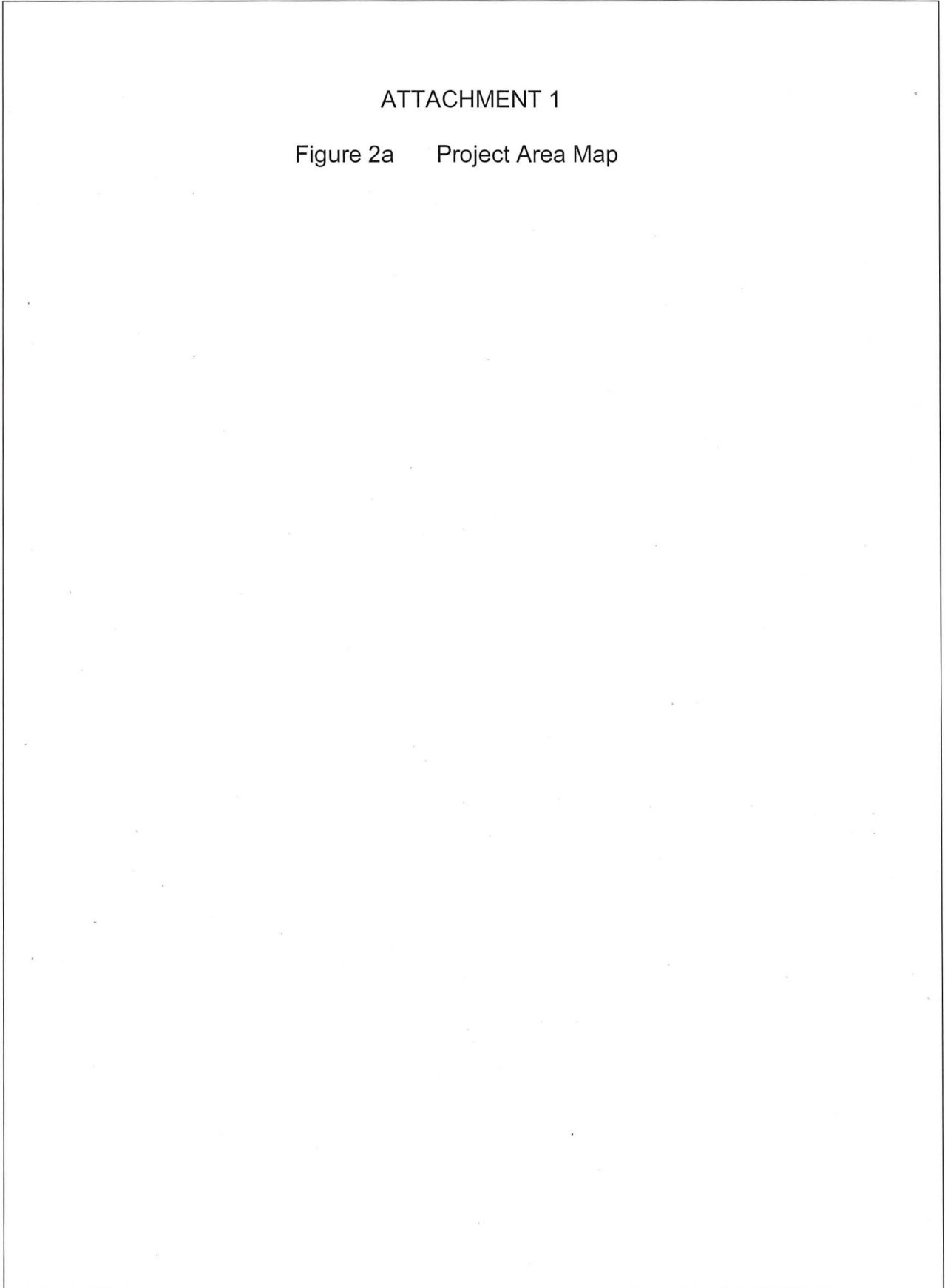
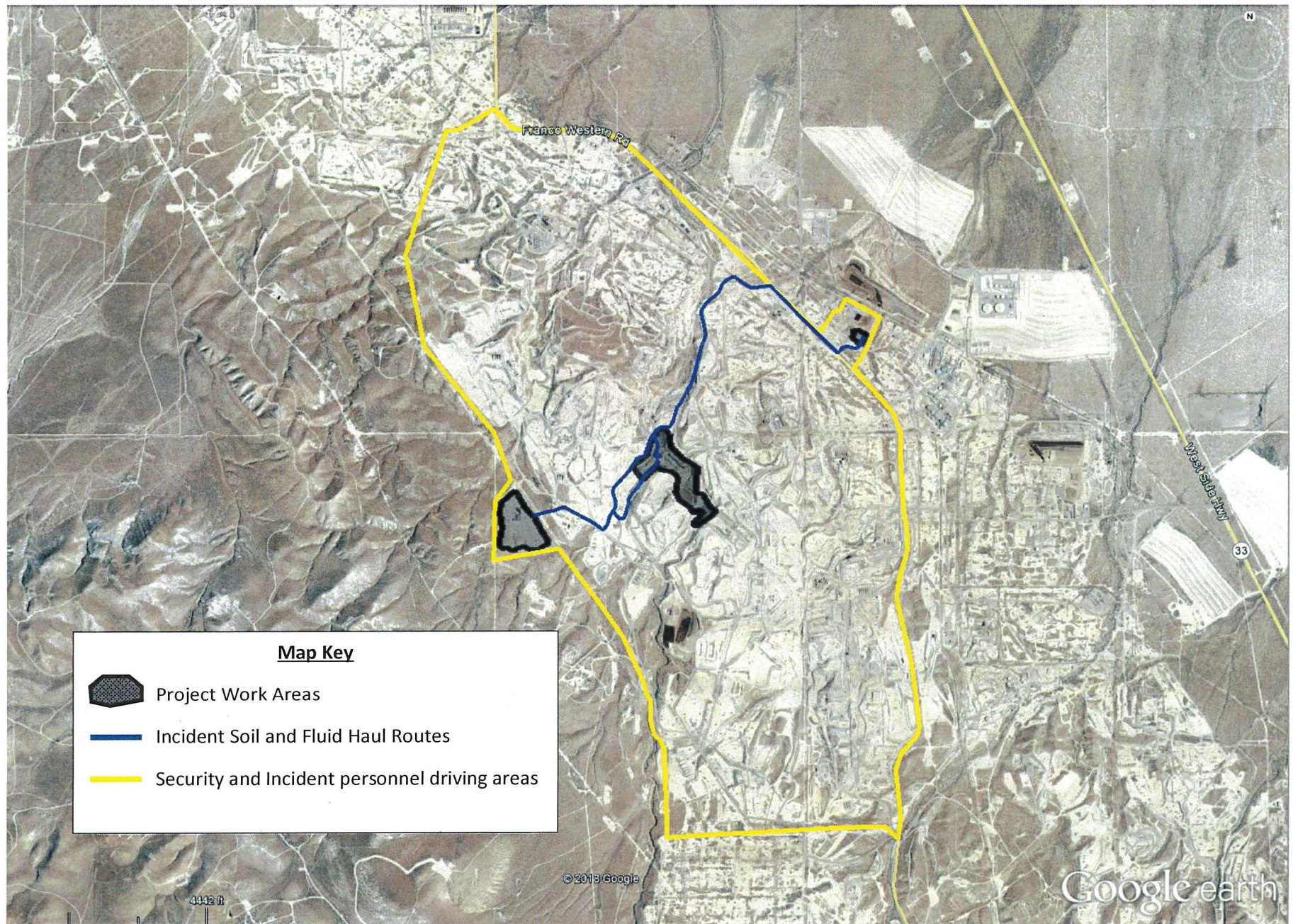


Figure 2a - Project Area Map



ATTACHMENT 2

Figure 6 Project 31X Portable Tank Storage Area Map

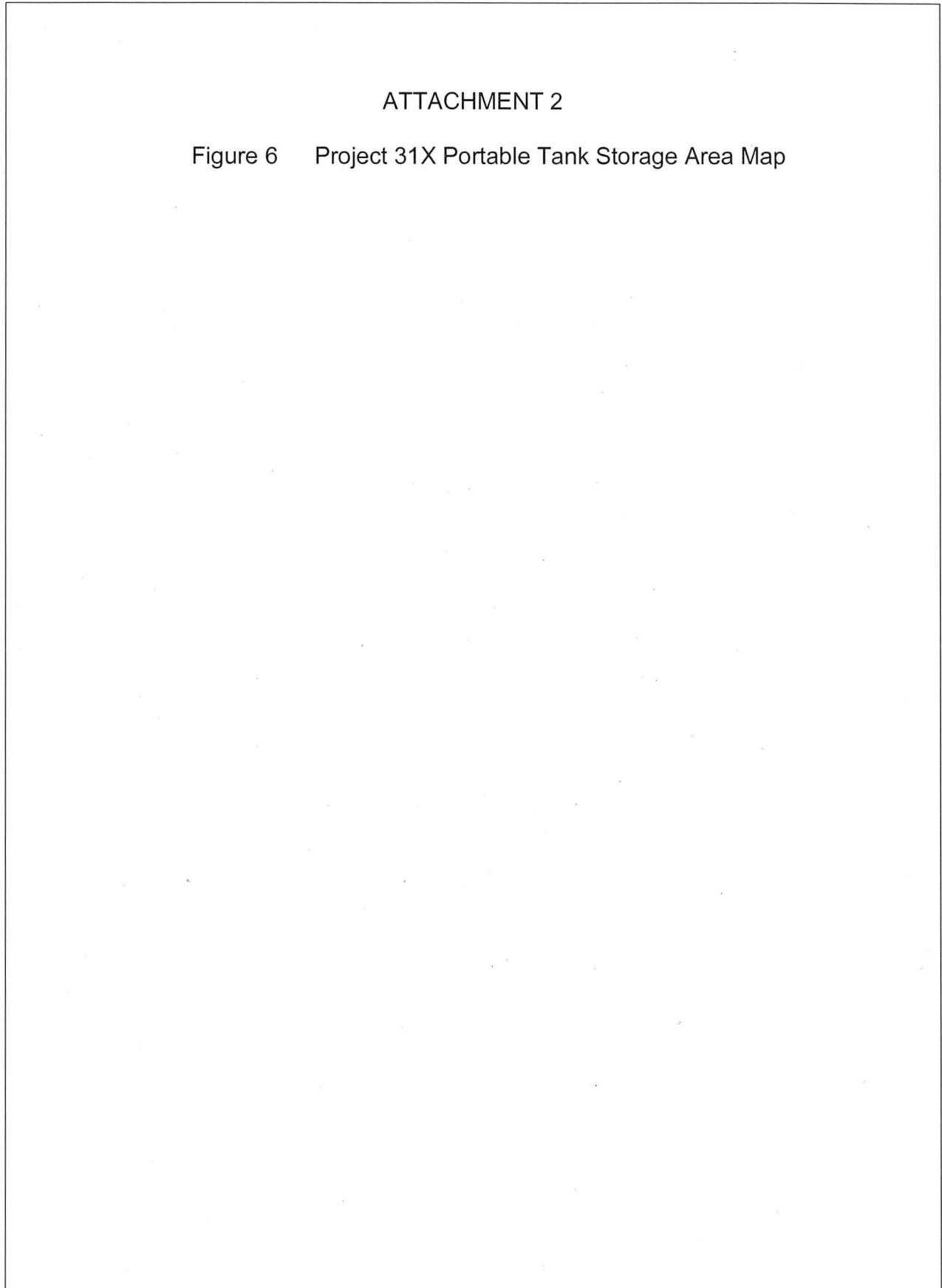
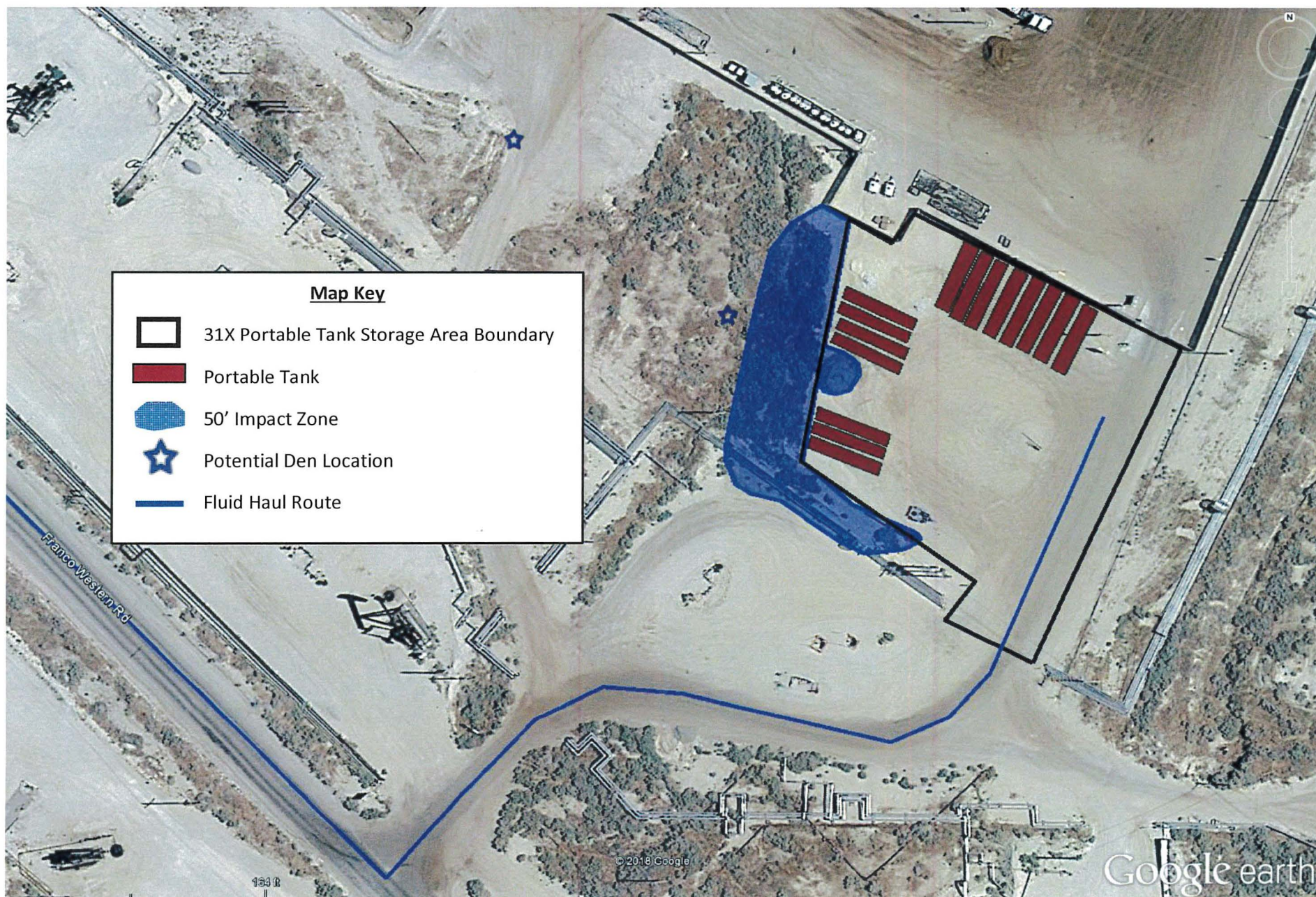


Figure 6 - Project 31X Portable Tank Storage Area Map





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



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HABITAT CONSERVATION
PLANNING BRANCH

August 30, 2019

Robert Fragione
San Joaquin Valley Business Unit Operations Manager
Chevron North America Exploration and Production Company
9525 Camino Media
Bakersfield, California 93311

**Subject: Incidental Take Permit Amendment No. 1 for the Cymric Surface Expression
Emergency Cleanup (2081-2019-034-04)**

Dear Mr. Fragione:

Enclosed you will find two originals of Amendment No. 1 for the incidental take permit for the above referenced Project, which have been signed by the California Department of Fish and Wildlife (Department). Please read the amendment carefully, sign the acknowledgement on both copies of the amendment, and return one original **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities, via FedEx to:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
1740 North Market Boulevard
Sacramento, California 95834

Send to

You are advised to keep the other original signature amendment 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 and amendment must be maintained at the Project work site and made available for inspection by Department staff when requested.

The amendment will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the amendment, please contact Annee Ferranti, Environmental Program Manager, at (559) 243-4005, extension 141.

Sincerely,

Julie A. Vance, Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosures (2)

Conserving California's Wildlife Since 1870