

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MARINE REGION
1933 CLIFF DRIVE, SUITE 9
SANTA BARBARA, CA 93109



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2016-056-07-A1
Chevron Products Company
Chevron Long Wharf Maintenance and Efficiency Project in Contra Costa County

INTRODUCTION

On April 12, 2017, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-056-07 (ITP) to Chevron Products Company (Permittee), authorizing take of Sacramento River Winter-Run Chinook Salmon (*Oncorhynchus tshawytscha*), Central Valley Spring-Run Chinook Salmon (*O. tshawytscha*), and Longfin Smelt (*Spirinchus thaleichthys*) (collectively, the Covered Species) associated with and incidental to the Chevron Long Wharf Maintenance and Efficiency Project in Contra Costa County, California (Project). The Project as described in the ITP as originally issued by CDFW includes multiple construction components within and above the water to bring the Long Wharf, Berths 1 through 4, into compliance with the Marine Oil Terminal Engineering and Maintenance Standards and to improve the overall operational efficiency. Project components include fender replacements, a loading platform seismic retrofit, gangway replacements and additions, and addition of a mooring hook dolphin. The Project will add 5,740 square feet of new overwater structure and remove 909 square feet for a net increase of 4,831 square feet (0.11 acres). Permanent piles will vary in size up to 60" in diameter and will be a mix of pile types and will include up to 52 composite piles, 141 24" diameter concrete piles, and 8 60" diameter piles. 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 a letter dated February 7, 2020, Chevron requested an amendment to the ITP to vibrate into place and remove probe piles at eight locations outside of the June 1 through November 30 work window. The purpose of driving the probe pile is to determine the presence and depth of bedrock to verify design parameters for the seismic retrofit at the Berth 4 Loading Platform.

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

First, this Amendment adds driving and removing a 20 inch diameter steel probe pile at 8 separate locations near Berth 4 with a vibratory hammer.

Second, this Amendment allows vibratory hammering to take place outside of the June 1 through November 30 work window in the year 2020.

AMENDMENT

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

1. ITP Condition 7.1, page 8 (Work Window) shall be amended to read:

Permittee shall conduct pile installation, removal, and related in-water work between June 1 and November 30 of any year. ***With the exception of the year 2020 in which vibratory pile driving and removal of a 20 inch diameter steel pile at 8 locations near Berth 4 may occur prior to June 1.***

2. MMRP:

The corresponding MMRP measure 20, page 4 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 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 two specific changes to the ITP as originally issued. The applicant has requested to drive piles outside of the original work to determine the presence and depth of bedrock near Berth 4. This will include using a vibratory hammer to drive and remove a 20 inch diameter steel pile at 8 separate locations. The resulting impacts to the Covered Species from vibratory pile driving and removal before the originally specified work window, will remain the same.

CDFW has determined that changes to the original work window for vibratory pile driving and removal 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 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 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, 2017 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 the Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures previously implemented to minimize and mitigate the previously authorized impacts on the Covered Species. The Amendment acknowledges that Chevron needs to determine the presence of bedrock at the Berth 4 location prior to beginning the seismic retrofit at this location in order to proceed as originally permitted. 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, 2017 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the mitigated negative declaration adopted by California State Lands Commission (CSLC) 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 CSLC 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 makes changes to the approved work window only for the year 2020 to allow vibratory pile driving and removal to take place over 2 days in 8 locations around Berth 4. The original work window of June 1 through November 30 will be extend for the year 2020 to allow for vibratory pile driving to take place prior to June 1. These changes to the ITP will not: (1) significantly 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).

ATTACHMENTS:

1. Amended MMRP

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:

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

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on May 26, 2020



Craig Shuman, D. Env.
Regional Manager
Marine Region

Minor Amendment No. 1
Incidental Take Permit 2081-2016-056-07-A1
CHEVRON PRODUCTS COMPANY
Chevron Long Wharf Maintenance and Efficiency Project

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:  Date: 5/29/2020

Printed Name: Shawn Lee Title: Refinery HES Manager