

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534



AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2017-017-03
Phillips 66 Pipeline Company, LLC
Phillips 66 Pipeline Company Line 200 Repair Project in Alameda County

INTRODUCTION

On October 3, 2017, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-017-03 (ITP) to Phillips 66 Pipeline Company, LLC (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the Phillips 66 Pipeline Company Line 200 Repair Project in Alameda County, California (Project). The Project as described in the ITP originally issued by CDFW includes repairs to the Line 200 main trunk pipeline owned and operated by the Permittee. The original Project included repair of a total of 19 sites that were discovered during routine testing with a “smart pig”; anomalies (e.g., shape deformities, dents, areas of corrosion, etc.) were identified and were required to be repaired/evaluated. 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 March 2019, Geoff Monk of Monk & Associates, on behalf of the Permittee, requested CDFW approval to purchase 7.01 acres of credits for California tiger salamander, as required by Condition of approval 8.0 of the original ITP, at Ohlone West Conservation Bank (OWCB). This credit purchase, as proposed by the Permittee, included 3.27 acres of California tiger salamander credits more than what was required by the original ITP, because the Project impacts were outside the Service Area for OWCB. The Permittee also requested to use pre-purchased credits for San Joaquin kit fox at Kern Water Bank Authority (KWBA). CDFW agreed to accept the 7.01 credits for California tiger salamander at OWCB but did not approve the San Joaquin kit fox credits at KWBA. The Permittee subsequently purchased 3.3 acres of CDFW-approved credits for San Joaquin kit fox at Palo Prieto Conservation Bank to meet the requirements of the original ITP.

In a letter dated May 3, 2021, Christy Owens of Monk & Associates, Inc, on behalf of the Permittee requested to amend the existing ITP (Incidental Take Permit No. 2081-2017-017-03) to account for potential impacts to state-listed species’ habitats at new

repair sites along this same section of pipeline that were not accounted for in the original ITP. Routine testing of pipeline integrity for Line 200 detected anomalies that require further evaluation and repair. P66 will conduct repairs at eight additional locations, which are along the same linear span of Line 200 as the repair sites authorized in the previously issued ITP.

In addition, the Permittee also requested that the expiration date of the existing ITP be extended until December 31, 2027 to ensure that the expanded scope of the Line 200 repairs in Alameda County will be covered under this ITP and Amendment No. 1.

In a letter dated June 4, 2021, Christy Owens of Monk & Associates, Inc, on behalf of the Permittee requested to revise the ITP Amendment application to include an additional repair site.

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

First, this Amendment extends the expiration date to December 31, 2027.

Second, this Amendment adds an additional eight repair sites to the Project Location, Project Description and Covered Activities.

Third, this Amendment recalculates the total amount of Covered Species habitat loss and increases the overall allowable take authorization.

Fourth, this Amendment increases the amount of permanent protection and perpetual management of compensatory habitat necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities.

Fifth, this Amendment updates reporting and contact information.

Sixth, this Amendment includes the updated figures (Amendment 1, Figures 1-3) depicting the new repair sites.

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.

AMENDMENT

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

Major Amendment No. 1
Incidental Take Permit 2081-2017-017-03
PHILLIPS 66 PIPELINE COMPANY, LLC
PHILLIPS 66 PIPELINE COMPANY LINE 200 REPAIR PROJECT IN ALAMEDA COUNTY

1. Page 1 Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on December 31, 2022 **2027**.

2. Page 2, Project Location, Table A. shall be amended to read:

Repair Number (SID)	Latitude	Longitude
188,030.15.21	37.7828	-121.6084
191,500.28.61	37.78565254	-121.6447318
191,780.23.11	37.78626812	-121.6484498
191,840.38.04	37.78641186	-121.6493049
191,860.06.55	37.78643798	-121.6494592
191,860.04.25	37.78643932	-121.6494669
192,690.25.85	37.78934037	-121.6595539
Byron Station Repair	37.783609	-121.632783

3. Page 5, Project Description shall be amended to read:

Four of the 2021 repair site locations will be confined to a 30-foot-wide corridor and 50-foot length along the Line 200 pipeline, three will be combined into a single 30-foot-wide and 90-foot-long corridor and one will be confined to a 50-foot-wide and 180-foot-long corridor (see Figure 3 of each repair site for more detail). A 10-foot-wide trench over the pipeline will be excavated over a total length of 40 linear feet and will include a 10-foot sloped wildlife escape ramp at each end of the trench. Excavation spoils will be placed in uplands or on plywood or visqueen if the stockpile areas are adjacent to waters of the U.S./State; additionally, if near a wetland, orange construction fence and silt fencing will be placed on the side of the stockpile that is closest to the wetland to avoid wetland impacts. No stockpiling will occur in waters of the U.S./State. Also, upon completion of repairs, stockpiled soils will be placed back into the repair excavation area restoring all pre-existing contours.

Repair site footprints will be staked and fenced with silt fencing backed by orange construction fencing prior to the commencement of the repairs. All

construction equipment will be limited to the existing roads and the areas within the installed fencing. Work will be conducted with a backhoe and pick-up trucks with welding equipment and supplies/parts. A shoring box will be installed in the trench to prevent it from collapsing. Once the pipeline is exposed, the pipeline will be repaired by welding a new sleeve of pipe over the anomaly. The trench will then be backfilled and compacted, and the original contours of the project site will be restored. An appropriate native hydroseed mix will be applied to all disturbed areas within the repair project footprints. Straw wattles will also be installed to prevent erosion until the hydroseed germinates. All disturbed habitat will be restored to its original condition upon completion of the repairs.

INDIVIDUAL REPAIR SITE DESCRIPTIONS

This section of Line 200 Repair Work consists of eight repair sites, each with a unique Site ID (SID), along a 3.5-mile stretch of Line 200 located north of Interstate 580 and south of Byron in eastern Alameda County (Figures 1, 2 and 3).

SID 188,030.15.21

Repair SID 188,030.15.21 consists of a single pipeline anomaly that will be repaired within a single excavation (Figure 3. SID 188,030.15.21). The repair is located approximately 610 feet northeast of Bethany Reservoir and 0.33-mile south of Christensen Road. Access to the repair will be via overland access from an existing gravel road located approximately 0.05-mile southeast of the site. The total area of temporary impacts will be approximately 4,676 square feet (0.107-acre), including the adjacent side-cast area and overland access route. The total area of semi-permanent impacts will be approximately 10 by 40 feet, totaling 1500 square feet (0.009-acre), including the excavation area and the 10-foot sloped escape ramps.

SID 191,500.28.61 (located within the previous Reconditioning Site 5)

Repair SID 191, 500.28.61 located north of Highway 580 in Alameda County, south of Byron, consists of a single pipeline anomaly that will be repaired within a single excavation (Figure 3. SID 191, 500.28.61). It is located approximately 1.2 miles west of the canal connecting Bethany Reservoir and Clifton Court Forebay, 1.5 miles east of Dyer Road and 2 miles southeast of Vasco Road. This repair site occurs within the prior Reconditioning Site 5 footprint and is characterized by heavily grazed, non-native ruderal grassland that is peppered with wind turbines. The repair site will include a semi-

permanent impact area of 400 square feet or 0.009-acre, approximately 10 feet by 40 feet. This site is directly north of an existing road which runs through the work area, and so will not incur impacts resulting from an access road or stockpiling within this established road (600 square feet within the work area). Stockpiling will result in a temporary impact area of 0.011-acre.

SID 191,780.23.11

Repair SID 191,780.23.11 consists of a single pipeline anomaly that will be repaired within a single excavation (Figure 3. SID 191,780.23.11). The repair site is located 1.4 miles west of the canal connecting Bethany Reservoir and Clifton Court Forebay, 1.3 miles east of Dyer Road and 1.8 miles southeast of Vasco Road. Access to the repair site will be via overland access from an existing 4-wheel drive road located approximately 98 feet northeast of the repair site. The total area of temporary impact will be approximately 2,396 square feet (0.055 acre), including adjacent sidecast areas and the overland access route. Note that the overland access route will require no modification of habitat. The repair will entail a semi-permanent impact area (area of excavation) of 400 square feet or 0.009-acre (approximately 10 feet by 40 feet including 10-foot sloped wildlife escape ramps).

SID 191,840.38.04, SID 191,860.06.55, AND SID 191,860.04.25

Repair sites SID 191,840.38.04, 191,860.06.55, and 191,860.04.25 entail three pipeline anomalies that will be repaired within a single excavation. These repair sites are located 1.5 miles west of the canal connecting Bethany Reservoir and Clifton Court Forebay, 1.2 miles east of Dyer Road and 1.7 miles southeast of Vasco Road. Access will be via overland access along the pipeline from Repair SID 191,780.23.11 and will utilize the same overland access from this repair site and the 4-wheel drive road approximately 90 feet to the north of the Repair SIDs 191,840.38.04, 191,860.06.55, and 191,860.04.25. Note that the portion of access to SID 191, 780.23.11 is not covered under the temporary impacts for this repair but rather, under the temporary impacts for SID 191, 780.23.11. The total area of temporary impacts will be approximately 4,358 square feet (0.10-acre), including adjacent side-cast area and overland access route. The overland access route requires no modification of habitat. The repair site will entail a total semi-permanent impact area (area of excavation) of approximately 10 feet by 55 feet (0.013-acre), including the pipeline excavation and the 10-foot wildlife escape ramps.

Repair SID 192,690.25.85 consists of a single pipeline anomaly that will be repaired within a single excavation (Figure 3. SID 192,690.25.85). The repair

site is located 1.9 miles west of the canal connecting Bethany Reservoir and Clifton Court Forebay, 0.66 miles east of Dyer Road and 1.15 miles southeast of Vasco Road. No overland access will be required as the repair is located just south and partly within an existing 4-wheel drive road. The total area of temporary impact will be approximately 1,100 square feet (0.025-acre), including adjacent sidecast areas and the overland access route. The repair will entail a semi-permanent impact area (area of excavation) of 400 square feet or 0.009-acre (approximately 10 by 40 feet including 10-foot sloped wildlife escape ramps).

6.1.6 BYRON STATION REPAIR SITE

The Byron Station Repair consists of an approximately 120-foot section of the Line 200 pipeline with anomalies to be repaired within a single excavation near Bethany Reservoir (Figure 3: Byron Station Repair Site). The repair is located immediately west of Phillip 66's Byron Station. Access to the repair will be via overland access from an existing gravel road located approximately 0.06-mile west of the site. The repair will be approximately 50-feet wide by 180 feet long. The total area of temporary impacts will be approximately 11,366 square feet (0.26-acre), including the adjacent side-cast area and overland access route. The total area of semi-permanent impacts will be approximately 10 by 160 feet, totaling 1,600 square feet (0.037-acre), including the excavation area and the 10-foot sloped escape ramps.

This area is a heavily grazed, non-native ruderal grassland. There is a roadside earthen ditch approximately 100 feet directly north of the Byron Station repair site, well outside the area of impact of the repair. This feature is approximately 1 foot deep and 1 foot across with no visible active flow channel (scour); all vegetation in this roadside ditch is upland vegetation. This drainage will be entirely avoided by the repair.

4. Page 5, **Impacts of the Taking on Covered Species** shall be amended to read:

The Project is expected to cause a total of ~~3.04~~ **3.655** acres of Covered Species habitat loss. The ~~3.04~~ **3.655** acres include ~~0.47~~ **0.556** acres of semi-permanent impacts as a result of excavation and compaction, ~~2.27~~ **2.576** acres of temporary impacts as a result of sidecast and spoils placement, and ~~0.27~~ **0.523** acres of temporary impacts from staking and fencing of access routes. The Project is expected to cause the temporary loss of ~~3.04~~ **3.655** acres of impacts to San Joaquin kit fox habitat.

5. Page 16, Condition of Approval 8.0 shall be amended to read:

To meet this requirement, the Permittee shall either purchase ~~3.74~~ **4.527 (an additional 0.787 acres from what was required in the original ITP)** acres of California tiger salamander credits and ~~3.3~~ **4.02 (an additional 7.2 acres from what was required in the original ITP)** acres of San Joaquin kit fox credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) within the East Alameda County Conservation Strategy CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) and SJKF East (Chapter, Figure 3-13) for the Covered Species OR shall provide for both the permanent protection and management of a total of ~~3.74~~ **4.527** acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below.

If dual California tiger salamander/San Joaquin kit fox credits are available, then the Permittee shall purchase ~~3.74~~ **4.527 (an additional 0.787 acres from what was required in the original ITP)** acres of dual species credits from a CDFW-approved mitigation or conservation bank. Permanent protection and funding for perpetual management of compensatory habitat must be completed prior to initiating Covered Activities or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Additional credits may be required if the Project is not within the Service Area of the CDFW-approved bank. Permittee shall provide CDFW with a copy of the credit purchase agreement for the required credits. Permittee shall provide compensatory habitat consistent with the conservation priorities and mitigation ratios described in the East Alameda County Conservation Strategy (EACCS) (Chapter 3, dated October 2010) for the Covered Species as confirmed by CDFW. Therefore, the amount of HM lands required may be adjusted by CDFW to reflect any corrections made to mitigation ratios based on EACCS habitat scoring of the mitigation site. HM lands shall meet the minimum habitat requirements for the Covered Species including, but not limited to one or more aquatic features on-site which have been documented to support successful California tiger salamander breeding pond in an average or below average rainfall year (abundance and distribution) or adjacent to aquatic features which have been documented to support successful California tiger salamander breeding pond in an average or below average rainfall year (abundance and distribution) and already conserved and managed to the satisfaction of CDFW for California tiger salamander; no less than 100 acres of suitable upland or adjacent to suitable upland already conserved and managed for the Covered Species. The Permittee shall also restore on-site ~~3.04~~ **3.655 (an additional 0.645 acres)** acres of semi-permanent and temporarily impacted Covered Species habitat pursuant to Condition 8.6 below.

6. Page 17, Condition of Approval 8.1 shall be amended to read:

8.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and the restoration of temporarily disturbed habitat as follows:

7. Page 17, Condition of Approval 8.1 shall be amended to read:

8.1.1. ~~Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$35,000.00/acre for 3.74 acres: \$130,900.00. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;~~ **Purchase of 0.645 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank is estimated at \$33,000.00.**

8.1.2. ~~Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$10,000.00;~~ **Cost estimate deleted**

8.1.3. ~~Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$5,000.00/acre for 3.74 acres: \$18,700.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and the restoration of temporarily disturbed habitat as follows:~~ **Cost estimate deleted**

8.1.4. 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 8.5, estimated at \$3,000.00.

8.1.5. Restoration, monitoring, and remediation of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.6, calculated at \$4,500/acre for ~~3.04~~ **3.655 (an additional 0.645 acres)** acres: ~~\$13,545.00~~ **16,447.50 (an additional \$2,902.50).**

8. Page 18, Condition of Approval 8.2 shall be amended to read:

8.2. Covered Species Credits. Permittee shall purchase ~~3.74~~ **4.527 (0.787 additional acres)** acres of Covered Species credits for California tiger salamander and ~~3.3~~ **4.02 (an additional 0.72 acres)** acres of Covered Species credit for San Joaquin kit fox from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities or no later than 18 months from the issuance of this ITP

if Security is provided pursuant to Condition of Approval 9 below. **Permittee shall obtain CDFW written approval of the Covered Species credits before acquisition.** Permittee shall provide CDFW with a copy of the credit purchase agreement for the required credits.

9. Page 21, Condition of Approval 8.6 shall be amended to read:

8.6. Habitat Restoration. Permittee shall restore on-site the ~~3.04~~ **3.655** acres of Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Within 30 days of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate revegetation of the ~~3.04~~ **3.655** acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The plan shall also indicate the best time of year for seeding to occur, three years of monitoring and success criteria. Plantings undertaken during the dry season shall include regular watering to ensure adequate growth if necessary. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those identified in the California Invasive Plant Council's Inventory Database, which is accessible at: <http://www.cal-ipc.org/paf/>. The Plan shall include ~~five~~ **three** years of monitoring and annual reporting to CDFW. All contours shall be returned to their original grades.

10. Page 21, Condition of Approval 9.0 shall be amended to read:

9.1. Security Amount. The Security shall be in the amount of ~~\$176,145.00~~ **35,902.50**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.

11. Page 23 and throughout the document, the contact information shall be updated to read:

NOTICES

The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
~~1416 Ninth Street, Suite 1266~~
Sacramento, CA 95814

Major Amendment No. 1
Incidental Take Permit 2081-2017-017-03
PHILLIPS 66 PIPELINE COMPANY, LLC

PHILLIPS 66 PIPELINE COMPANY LINE 200 REPAIR PROJECT IN ALAMEDA COUNTY

**Post Office Box 944209
Sacramento, CA 94244-2090**

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2017-017-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

~~Scott Wilson,~~ **Gregg Erickson**, Regional Manager
California Department of Fish and Wildlife
~~7329 Silverado Trail~~
~~Napa, CA 94558~~
~~Telephone (707) 944-5517~~
~~Fax (707) 944-5563~~
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
R3CESA@wildlife.ca.gov

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
~~1416 Ninth Street, Suite 1266~~
~~Sacramento, CA 95814~~
Post Office Box 944209
Sacramento, CA 94244-2090
CESA@wildlife.ca.gov

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Marcia Grefsrud
~~7329 Silverado Trail~~

Major Amendment No. 1
Incidental Take Permit 2081-2017-017-03
PHILLIPS 66 PIPELINE COMPANY, LLC

PHILLIPS 66 PIPELINE COMPANY LINE 200 REPAIR PROJECT IN ALAMEDA COUNTY

Napa, CA 94558
Bay Delta Region
2825 Cordelia Road Suite 100
Fairfield, CA 94534
Telephone (707) 644-2812
Marcia.Grefsrud@wildlife.ca.gov

12. Page 25, **Attachments:** shall be amended to include **Amendment Figures 1-3.**

All MMRP Measures corresponding to the changes above shall be amended to read 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, by implementing the avoidance and minimization measures in the ITP, restoring the temporarily impacted habitat and providing for additional permanent protection and perpetual management of compensatory habitat it is expected that the mitigation measures are roughly proportional in extent to the new impacts, 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 reflects a change in the number of acres which will be impacted by Project activities, and additional impacts as a result of additional anomalies that have been discovered since the original ITP was issued. This change in take assessment is based on routine testing of pipeline integrity for Line 200 that detected anomalies that require further evaluation and repair. This Amendment will not increase other Project impacts on these species because, in all other respects, the types of repair activities authorized by the ITP remain unchanged.

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 October 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 not significantly increase the amount of take or the severity of other impacts of the taking on the Covered Species; (2) fully mitigates any additional temporary and/or permanent impacts, with a provision of adequate funding for Habitat Management lands, and Permittee provides for continued protection of 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 October 2017 as a lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Project and issuance of the ITP constituted a Statutory Exemption as defined by CEQA. (Id., § 21080.23; Cal. Code Regs., tit. 14, § 15284).

As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes issuance of the Amendment in this respect, is statutorily exempt from further environmental review under CEQA because under Cal. Code Regs., tit. 14, § 15284 CEQA does not apply to any project consisting of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline if the pipeline diameter will not be increased and the Project is not located within the boundaries of an oil refinery and it meets the following criteria:

1. The affected section of pipeline is less than eight miles in length and actual construction and excavation activities are not undertaken over a length of more than one-half mile at a time.
2. The affected section of pipeline is not less than eight miles distance from any section of pipeline that had been subject to this exemption in the previous 12 months.
3. The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials.
4. To the extent not otherwise required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if

Major Amendment No. 1
Incidental Take Permit 2081-2017-017-03
PHILLIPS 66 PIPELINE COMPANY, LLC

PHILLIPS 66 PIPELINE COMPANY LINE 200 REPAIR PROJECT IN ALAMEDA COUNTY

necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project, and those agencies, including but not limited to the local fire department, police, sheriff, and California Highway Patrol as appropriate, have reviewed and agreed to that plan.

5. Project activities take place within an existing right-of-way and that right-of-way will be restored to its pre-project condition upon completion of the project.
6. The project applicant will comply with all conditions otherwise authorized by law, imposed by the city or county as part of any local agency permit process, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Public Resources Code Section 5810, et seq.), CESA (Fish and Game Code Section 2050, et seq.), other applicable state laws, and all applicable federal laws.

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 allows additional impacts described as Phillips 66 Pipeline Company Line 200 Repair Project, this amendment addresses impacts resulting the additional repairs required in June 2021, this Amendment requires an additional 0.787 acres of Covered Species habitat mitigation and requires restoration of 0.655 acres of semi-permanent and temporary impacts to Covered Species habitat. The resulting impacts to the Covered Species, however, including the additional 0.655 acres of semi-permanently and temporarily disturbed habitat during construction of Line 200 repairs, as a result of the Project, will only increase slightly. As described above, these changes slightly increase the level of semi-permanent and temporary habitat impacts. Therefore, this Amendment will 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 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 signed by all parties and returned to CDFW. Digital signatures facilitated by CDFW will be automatically returned and shall comply with Government Code section 16.5. Wet signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

Major Amendment No. 1
Incidental Take Permit 2081-2017-017-03
PHILLIPS 66 PIPELINE COMPANY, LLC

PHILLIPS 66 PIPELINE COMPANY LINE 200 REPAIR PROJECT IN ALAMEDA COUNTY

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 6/21/2021

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA
Gregg Erickson, Regional Manager
Bay Delta 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:
Gabriel Munoz
D5B0BA4103274D6... Date: 6/28/2021

Printed Name: Gabriel Munoz Title: West Coast Division Manager

Major Amendment No. 1
Incidental Take Permit 2081-2017-017-03
PHILLIPS 66 PIPELINE COMPANY, LLC
PHILLIPS 66 PIPELINE COMPANY LINE 200 REPAIR PROJECT IN ALAMEDA COUNTY