



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



June 14, 2022

Neal Sahni, Vice President, Logistics Operations
Torrance Logistics Company LLC
12851 East 166th Street
Cerritos, California 90703
neal.sahni@pbfenergy.com

**Subject: Incidental Take Permit Amendment No. 2 for the M55 Anomaly Repairs
(2081-2019-010-04)**

Dear Neal Sahni:

Enclosed you will find an electronic copy of Amendment No. 2 for 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 amendment 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 amendment via mail to:

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

Alternatively, you may return an electronic copy of the amendment with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

You are advised to keep the 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 amendments must be maintained at the project work site and made available for inspection by CDFW 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 Sarah Bahm, Senior Environmental Scientist (Specialist), at sarah.bahm@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Handwritten signature of Valerie Cook in blue ink.
96D42C58E092466...

Valerie Cook, Acting Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosure

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710



AMENDMENT NO. 2
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2019-010-04
Torrance Logistics Company LLC
M55 Anomaly Repairs Project in Kern County

INTRODUCTION

On August 8, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2019-010-04 (ITP) to Torrance Logistics Company LLC (Permittee), authorizing take of San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the M55 Anomaly Repairs Project in Kern County, California (Project). The Project described in the ITP as originally issued by CDFW includes activities associated with the repairs of two segments where anomalies of the 12-inch M-55 pipeline have been identified, that carries heavy crude oil from Kern County to the Torrance refinery in the City of Torrance, California. 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 November 27, 2019, CDFW received a request from the Permittee for a major amendment to the ITP and the corresponding fee payment on December 5, 2019. The request included changes to the San Joaquin antelope squirrel-specific Conditions of Approval to alter the temperature requirement for trapping and relocation to meet their Bureau of Land Management access agreement deadline as well as deadlines required by federal law and the fire marshal. CDFW and the Permittee agreed that the Designated Biologist shall provide a plan to CDFW that provides multiple options based on weather conditions and the work schedule necessary to meet the Project's deadlines. The Permittee also requested to forgo the requirement for burrow excavation associated with temporary exclusion fencing installation if installation did not require trenching. CDFW issued Major Amendment No. 1 on December 6, 2019.

In issuing the ITP and Major Amendment No. 1 (collectively the ITP, as amended), CDFW found, among other things, that Permittee's compliance with the Conditions of Approval would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

On March 30, 2020, CDFW received the official request and the corresponding fee payment from the Permittee for a minor amendment to the ITP, as amended, to extend the expiration date of the ITP from March 1, 2020 to March 1, 2025 in order to purchase Covered Species credits from a CDFW-approved mitigation or conservation bank. An email requesting this change was received on January 13, 2020. The Covered Activities associated with the Project were completed on January 8, 2020. Due to CDFW's determination that this Project is exempt from California Environmental Quality Act (CEQA, Pub. Resources Code, §21000 et seq.) because it is an action "necessary to prevent or mitigate an emergency." (Pub. Resources Code, §21080, subd. (b)(4).), CDFW has determined that this extension will only be for a period of three years. This request will also require the extension of the date in which the compensatory mitigation obligations are to be completed from within 18 months of the effective date of this ITP, as amended, to within 42 months.

This Minor Amendment No. 2 (Amendment No. 2) makes the following changes to the ITP, as amended:

First, Amendment No. 2 extends the expiration date of the ITP, as amended, from March 1, 2020, to March 1, 2023.

Second, Amendment No. 2 extends the deadline in which to complete the Habitat Management lands mitigation obligations from 18 months to 42 months of the effective date of this ITP, as amended.

AMENDMENT

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

1. The paragraph entitled "Effective Date and Expiration Date of this ITP", on page 1 of the ITP, as amended, shall be further amended to read as follows:

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 March 1, ~~2020~~**2023**.

2. The second paragraph in the section entitled "Habitat Management Land Acquisition", on pages 18 and 19 of the ITP, as amended, shall be further amended to read as follows:

To meet this requirement, the Permittee shall either purchase 0.263 acre of Covered Species credit from a CDFW-approved mitigation or conservation bank with habitat credits for SJAS and SJKF (Condition of Approval 8.2) OR provide for both the permanent protection and management of 0.263 acre of Habitat Management (HM) lands with SJAS-occupied habitat for SJAS and SJKF 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. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within ~~18~~**42** months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

3. Condition of Approval 8.2 (Covered Species Credits) on page 19 of the ITP, as amended, shall be further amended to read as follows:

- 8.2. Covered Species Credits. Permittee shall purchase 0.263 acre of Covered Species credit from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than ~~18~~**42** months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below.

4. The last paragraph in the section entitled "Performance Security", on pages 24 and 25 of the ITP, as amended, shall be further amended to read as follows:

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than ~~18~~**42** months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

The corresponding measures in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1 of the ITP, as amended) shall be further amended to read the same as above. All terms and conditions of the ITP, as amended, and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of Amendment No. 2 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 2

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: Amendment No. 2 makes two specific changes to the ITP, as amended: 1) extends the expiration date of the ITP, as amended, from March 1, 2020, to March 1, 2023; and 2) extends the deadline in which to complete the Habitat Management lands mitigation obligations from 18 months to 42 months of the effective date of this ITP, as amended. The resulting impacts to the Covered Species, however, including the temporary loss of 0.239 acres of habitat for the Covered Species as a result of the Project, will remain the same.

CDFW has determined that Amendment No. 2 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, described in Amendment No. 2 will not increase impacts to the Covered Species.

Issuance of Amendment No. 2 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 August 2019 that the Project, as approved, met the standards for issuance of an ITP under CESA and in December 2019 that Amendment No. 1 to the ITP 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 Amendment No. 2 because the Project and ITP, as amended, does not alter the Permittee’s continued adherence to and implementation of the avoidance and minimization measures set forth in the Conditions of Approval in the ITP, as amended, 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 Amendment No. 2.

Discussion: CDFW issued the ITP in August 2019 and Major Amendment No. 1 in December 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 statutorily 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 Amendment No. 2.

CDFW finds that Amendment No. 2 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: Amendment No. 2 extends the expiration date of the ITP from March 1, 2020, to March 1, 2023, and the deadline in which to complete the Habitat Management lands mitigation obligations from 18 months to 42 months of the effective date of this ITP, as amended. These changes 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 temporal impacts on the Covered Species. Therefore, Amendment No. 2 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 Amendment No. 2 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of Amendment No. 2 by registered first class mail to CDFW at:

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

Alternatively, the Permittee shall e-mail the digitally signed Amendment No. 2 to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

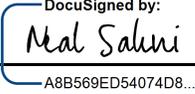
on 6/16/2022

DocuSigned by:
Valerie Cook
96D42C58E092466...
Valerie Cook, Acting Regional Manager
CENTRAL REGION

Minor Amendment No. 2
Incidental Take Permit 2081-2019-010-04
TORRANCE LOGISTICS COMPANY LLC
M55 ANOMALY REPAIRS 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, Amendment No. 1, and Amendment No. 2, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:  _____ Date: 6/17/2022

Printed Name: Neal Sahni Title: Vice President

Minor Amendment No. 2
Incidental Take Permit 2081-2019-010-04
TORRANCE LOGISTICS COMPANY LLC
M55 ANOMALY REPAIRS PROJECT