

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



AMENDMENT NO. 2  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2016-056-07  
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.

On 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. CDFW issued minor amendment 1 on May 26, 2020.

In a letter dated November 3, 2022, Chevron requested an amendment to the ITP to extend the expiration date from December 31, 2022, to December 31, 2027. The purpose of the expiration date extension request is to complete previously permitted

components of the Project that have been delayed due to the COVID-19 pandemic and availability of contract resources and staff to manage the work.

This Minor Amendment No. **2** (Amendment) makes the following change to the existing ITP:

This Amendment will extend the expiration date of the ITP from December 31, 2022 to December 31, 2027.

## **AMENDMENT**

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

1. The second paragraph on page 1 (Effective Date and Expiration Date of this ITP) shall be amended to read:

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~~ ***December 31, 2027***.

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 one specific change to the ITP as originally issued. The applicant has requested to extend the expiration date of the permit to 2027 in order to complete components of the Project that were previously permitted and delayed due to COVID-19. The resulting impacts to the Covered Species from extending the Project timeline will remain the same.

CDFW has determined that changes to the Project timeline will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the

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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. This Amendment acknowledges that Chevron needs additional time to complete the previously permitted components of the Project. 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).*

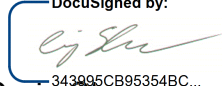
Discussion: This Amendment extends the expiration date of the permit from 2022 to 2027. This change to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations 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).

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**

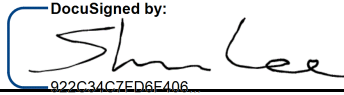
on **January 10, 2023**

DocuSigned by:  
  
343995CB95354BC...  
**Craig Shuman**  
Regional Manager  
Marine 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.

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DocuSigned by:  
  
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By: \_\_\_\_\_

1/11/2023

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
Shawn Lee

Title: \_\_\_\_\_  
HSE Manager Richmond Refinery

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