



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



September 25, 2023

Gabe Munoz, Western Operations Division Manager
Phillips 66 Pipeline, LLC
3900 Kilfoy airport Way, Suite 210
Long Beach, California 90806

**Subject: Incidental Take Permit Amendment No. 1 for the NC-16 and NC-17 Project
(2081-2023-009-04)**

Dear Gabe Munoz:

Enclosed you will find an electronic copy of Amendment No. 1 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:

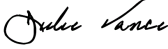
California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
Post Office Box 944209
Sacramento, California 94244-2090

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 amendment 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 Shaelyn Latronica, Environmental Scientist, at Shaelyn.Latronica@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Enclosure

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA, 93710



AMENDMENT NO. 1

(A Minor Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2020-010-04

Phillips 66 Pipeline, LLC

NC-16 and NC-17 Pipeline Lowering Project in Kern County

INTRODUCTION

On September 8, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2020-010-04 (ITP) to Phillips 66 Pipeline, LLC (Permittee), authorizing take of San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) (collectively, the Covered Species) associated with and incidental to the NC-16 and NC-17 Pipeline Lowering Project (Project) in Kern County, California. The Project as described in the ITP as originally issued by CDFW includes Project activities that consist of installing 100-foot-long segments of new pipe to replace the existing segments of the eight-inch NC-16 and NC-17 pipelines that are currently exposed where they cross an unnamed stream. The new pipe segments will be installed a minimum of six feet below the existing streambed elevation and will be offset from the existing pipelines by approximately five feet. Once pipeline replacement activities are complete, the project site will be restored to pre-project conditions.

CDFW issued the ITP 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 the Project is subject to California Code of Regulations, title 14, section 15282, subdivision (k), "The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length"; as well as Public Resources Code, section 21080.21, "This division does not apply to any project of less than one mile in length within a public street or highway or any other right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline." "Pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility." (Pub. Resources Code, § 21080.21(a)). 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.

On July 11, 2023, CDFW received an official request from the Phillips 66 Pipeline, LLC (Permittee) and the corresponding fee payment on July 13, 2023, for a Minor

Amendment to extend the expiration date of the ITP. The Permittee requested a 5-year extension of the ITP expiration date due to the activities associated with the Project being delayed. The expiration date of the ITP was requested to be extended from July 31, 2023, to July 31, 2028.

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

First, Amendment No. 1, extends the expiration date of the ITP from July 31, 2023, to July 31, 2028.

AMENDMENT

1. The first paragraph of the section entitled "Effective Date and Expiration Date of this ITP" on page 1 of the ITP shall be 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 ~~July 31, 2023~~ **July 31, 2028**.

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 Amendment No.1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No.1 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. 1 makes one specific change to the ITP as originally issued. Amendment No. 1 extends the expiration date of the ITP from July 31, 2023, to July 31, 2028. The resulting impacts to the Covered Species, however, including the temporary loss of 0.57 acres of habitat as a result of the Project, will remain the same.

CDFW has determined that the extension of the expiration date of the ITP from July 31 2023, to July 31, 2028, 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 Amendment No. 1 will not increase impacts to the Covered Species.

Issuance of Amendment No. 1 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 September 2021 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 Amendment No. 1 because the Project and ITP as amended: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on 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 Amendment No. 1.

Discussion: CDFW issued the ITP in September 2021 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 the Project is subject to California Code of Regulations, title 14, section 15282, subdivision (k), "The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length"; as well as Public Resources Code, section 21080.21, "This division does not apply to any project of less than one mile in length within a public street or highway or any other right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline." "'Pipeline' includes subsurface facilities but does not include any surface facility related to the operation of the underground facility." (Pub. Resources Code, §21080.21(a)). 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. 1.

CDFW finds that Amendment No. 1 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: Amendment No. 1 extends the expiration date of the ITP from July 31, 2023, to July 31, 2028. These changes 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, Amendment No. 1 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 Amendment No. 1 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

Alternatively, the Permittee shall e-mail the digitally signed Amendment No. 1 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 9/25/2023

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager
Central Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that they are acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and Amendment No. 1, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP, as amended.

By: 
D5B9BA1193274D6...

Date: 10/2/2023

Printed Name: Gabriel Munoz

Title: Western Region Manager

Minor Amendment No. 1
Incidental Take Permit 2081-2020-010-04
PHILLIPS 66 PIPELINE, LLC
NC-16 and NC-17 Pipeline Lowering Project