

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



**AMENDMENT NO. 1  
(A Minor Amendment)**  
**California Endangered Species Act**  
**Incidental Take Permit No. 2081-2020-035-03**  
**Kinder Morgan**  
**SFPP LS-16 Pipeline Exposure at Alameda Creek in Alameda County**

## **INTRODUCTION**

On July 15, 2020, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2020-035-03 (ITP) to Kinder Morgan (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) and Alameda whipsnake (*Masticophis lateralis euryxanthus*) (also known as Alameda striped racer (*Coluber lateralis euryxanthus*)) (collectively, the Covered Species) associated with and incidental to SFPP LS-16 Pipeline Exposure at Alameda Creek (Project) in Alameda County, California. The Project described in the ITP as originally issued by CDFW includes maintenance activities on a segment of Line Section 16 (LS-16), a 10- inch petroleum products pipeline running between Concord and San Jose, California. The maintenance activities consist of the placement of armoring around an approximately 20-foot exposed section of LS-16, meant to prevent potential damage to the exposed pipe that could cause a release; and to comply with the laws, regulations, and policies of all local state and federal agencies with oversight of the Project. 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 14, 2024, Kinder Morgan requested an amendment to ITP No. 2081-2020-035-03. Minor Amendment No. 1 consists of an extension of the term of the ITP from December 31, 2025 to December 31, 2028. No additional impacts to habitat for covered species (Alameda whipsnake and California tiger salamander) will occur.

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

First, this Amendment shall authorize to take the Covered Species shall expire on December 31, 2028.

## **AMENDMENT**

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

1. The first paragraph in ITP, "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 **is effective as of the date signed by CDFW below**. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on December 31, 2025~~**December 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 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 term of the ITP has been extended to December 31, 2028. This change to the Project will not result in additional 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 on July 15, 2020, 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 will have no effect on the amount or severity of Project 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 this Amendment.*

Discussion: CDFW issued the ITP in July 2020 as a lead agency for purposes of CEQA (Pub. Resources Code § 21067). In its capacity as lead agency, CDFW determined on that the Project and issuance of the ITP are subject to two statutory exemptions relating to pipelines (Pub. Resources Code, §§ 21080.21 and 21080.23; Cal. Code Regs., tit. 14, § 15284). 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, 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 term of the ITP to December 31, 2028 and will not increase the amount of take or the severity of other impacts of the taking of the Covered Species. 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).

## **ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

**ON** 12/31/2025.

DocuSigned by:

*Erin Chappell*

Erin Chappell  
Regional Manager  
Bay Delta Region