

Notice of Exemption

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To:
Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:
California Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, CA 93710

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Project Title: California Endangered Species Act Incidental Take Permit No. 2081-2020-010-04 for the Phillips 66 Pipeline, LLC NC-16 and NC-17 Pipeline Lowering Project (Project)

Project Location: The Project is located approximately 3.3 miles southwest of the intersection of State Route (SR) 33 and SR 46 in northwestern Kern County, California. The Project site is bounded by SR-46 to the North and SR-33 to the East. The Project is specifically within the United States Geological Survey 7.5-Minute Quadrangle Map Shale Point in Township 27 South, Range 19 East, Section 24, Mount Diablo Base and Meridian, Latitude 35.566859, Longitude -119.877150.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued a California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) Incidental Take Permit (ITP) No. 2081-2020-010-04, to authorize Phillips 66 Pipeline, LLC to incidentally take San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) which is designated as a threatened species under CESA (Fish & G. Code § 2050 et seq.; see Cal. Code Regs., tit. 14, § 670.5, subd. (b)(6)(B)).

The ITP authorizes take of San Joaquin antelope squirrel (Covered Species) for activities associated with the Project which is necessary to install 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.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project: Phillips 66 Pipeline, LLC, Gabe Munoz, Western Operations Division Manager, 3900 Kilroy Airport Way, Suite 210, Long Beach, California 90806.

Exempt Status:

- Statutory Exemption. California Code of Regulations, Title 14, section 15282, subdivision (k); Public Resources Code, section 21080.21, subdivision (a)
 Categorical Exemption.

Reasons why project is exempt: See Attachment

CDFW Contact Person: Craig Bailey (Sr. Environmental Scientist, Supervisory), 559-243-4014, extension 227

Signature:  FA83F09FE08945A... **Date:** 9/8/2021

Julie A. Vance
Regional Manager, Central Region

Date received for filing at OPR: _____

Attachment to Notice of Exemption

California Endangered Species Act Incidental Take Permit No. 2081-2020-010-04 Phillips 66 Pipeline, LLC NC-16 and NC-17 Pipeline Lowering Project (Project)

Approval of this Project is statutorily exempt from the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 *et seq.*) 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)).

The Project includes 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.

Project activities include: transportation of construction equipment, materials, and other Project-related traffic; excavation/trenching; soil stockpiling; removing hydrocarbon fluids from existing pipeline; cutting and removing existing pipeline segments; pipeline installation; welding; sandblasting; installing new epoxy corrosion barrier; backfilling; hydrotesting; materials and equipment storage; soil compaction; installation of erosion control materials; and other activities. Impacts will be minimized and fully mitigated through the implementation of measures required by Incidental Take Permit No. 2081-2020-010-04. Measures include: 1) Monthly Compliance Reports; 2) establishment of avoidance zones; 3) worker education; 4) species relocation; and 5) permanent habitat protection.