

Notice of Exemption

To:

Office of Planning and Research
[CEQA Submit](#)

From:

Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
R3LSA@wildlife.ca.gov



Project Title: SFPP LS-16 SWML Integrity Digs CA-164 and CA-165 (Notification of Lake or Streambed Alteration, No. EPIMS-ALA-27711-R3)

Project Location (Alameda County): The project is located at Alameda Creek, near Sunol, in the County of Alameda, State of California; Latitude 37.588742° and Longitude -121.895195°.

Project Description: The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement (LSAA) EPIMS Notification No. EPIMS-ALA-27711-R3, pursuant to Section 1602 of the Fish and Game Code to Jody Schaap/ SFPP, L.P..

The project includes two Seam Weld Metal Loss (SWML) integrity digs at two locations along LS-16 as required by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (DOT PHMSA).

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project: Jody Schaap, SFPP, L.P.

Exempt Status:

- Statutory Exemption. Pub. Resources Code, §21080.23; Cal. Code Regs., tit. 14, § 15284
- Categorical Exemption. Type – Class (1-33); California Code of Regulations, title 14, section (15301-15333)

Reasons why project is exempt: In its capacity as lead agency, CDFW determined that the Project and issuance of the LSAA is a statutory exemption relating to pipelines. (Pub. Resources Code, §21080.23; Cal. Code Regs., tit. 14, § 15284). Pursuant to Section 21080.23, the Project is statutorily exempt because CEQA does not apply to any project consisting of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline if the pipeline diameter will not be increased and the Project is not located within the boundaries of an oil refinery and it meets the following criteria:

- (1) The affected section of pipeline is less than eight miles in length and actual construction and excavation activities are not undertaken over a length of more than one-half mile at a time.
- (2) The affected section of pipeline is not less than eight miles distance from any section of pipeline that had been subject to this exemption in the previous 12 months.
- (3) The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials.
- (4) To the extent not otherwise required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project, and those agencies, including but not limited to the local fire department, police, sheriff, and California Highway Patrol as appropriate, have reviewed and agreed to that plan.
- (5) Project activities take place within an existing right-of-way and that right-of-way will be restored to its pre-project condition upon completion of the project.

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(6) The project applicant will comply with all conditions otherwise authorized by law, imposed by the city or county as part of any local agency permit process, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Public Resources Code Section 5810, et seq.), the California Endangered Species Act (Fish and Game Code Section 2050, et seq.), other applicable state laws, and all applicable federal laws..

CDFW Contact Person: Marcia Grefsrud, Environmental Scientist, (707) 644-2812,

marcia.grefsrud@wildlife.ca.gov

Signature: _____

Craig Weightman

Date: 8/3/2022

Craig J. Weightman, Environmental Program Manager



Date received for filing at OPR: _____