

Notice of Exemption

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 (CDFW)
Central Region
1234 East Shaw Avenue
Fresno, CA 93710

Street Address:

1400 Tenth Street
Sacramento, CA 95814

State Clearinghouse Number: 2019120185

Project Title: Minor Amendment No. 3 (Amendment No. 3) to California Endangered Species Act (CESA) Incidental Take Permit (ITP) No. 2081-2019-010-04, as amended, for the Torrance Logistics Company LLC M55 Anomaly Repairs Project (Project)

Project Location: The Project is located in western Kern County, California, east of the Temblor Mountain Range near the town of McKittrick, California. Dig Site 01 is located approx. 4 miles north of McKittrick within Section 32, Township 29 South, Range 22 East, Mount Diablo Base and Meridian (MDBM) within the California Geologic Energy Management Division (CalGEM) administrative boundary Cymric Oilfield in the Reward United States Geological Survey (USGS) 7.5-minute quadrangle. Dig Site 06 is located approx. 0.75 mile south of McKittrick within the northeastern ¼ of Section 29, Township 30 South, Range 22 East, MDBM on privately owned surface land. Dig Site 06 occurs within the CalGEM administrative boundary McKittrick Oilfield within the Reward USGS 7.5-minute topographic quadrangle.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued a CESA (Fish & G. Code, § 2050 et seq.) ITP, Major Amendment No. 1, Minor Amendment No. 2, and this Minor Amendment No. 3 to authorize Torrance Logistics Company LLC to incidentally take San Joaquin antelope squirrel (SJAS), and San Joaquin kit fox, which are listed as threatened species under CESA (Fish & G. Code § 2050 et seq.; see Cal. Code Regs., tit. 14, § 670.5, subd. (b)(6)(B) and (b)(6)(E), respectively). The Project includes the investigation, excavation, repair, site cleanup, and remediation to two segments of the M-55 pipeline where anomalies were detected. Amendment No. 3 makes two specific changes to the ITP, as amended: 1) Amendment No. 3 extends the expiration date of the ITP, as amended, from March 1, 2023, to March 1, 2026; and 2) Amendment No. 3 extends the deadline in which to complete Condition of Approval 8 from 42 months of the effective date of this ITP to by March 1, 2026, as amended.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project: Torrance Logistics Company LLC, Paul Davis, President Western Region, 12851 East 166th Street, Cerritos, California 90703

Exempt Status:

- Statutory Exemption. California Code of Regulations, Title 14, section 15269, subdivision (c); Public Resources Code, section 21080, subdivision (b)(4)
- Categorical Exemption.

Reasons why project is exempt: See Attachment

CDFW Contact Person: Shaelyn Latronica (Environmental Scientist), 559-243-4005

DocuSigned by:

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Signature: _____

Julie A. Vance
Regional Manager, Central Region

Date: 6/13/2023

Date received for filing at OPR: _____

**Attachment to Notice of Exemption
State Clearinghouse Number: 2019120185**

**California Endangered Species Act Incidental Take Permit No. 2081-2019-010-04
Minor Amendment No. 3
Torrance Logistics M55 Anomaly Repairs**

Approval of this Project is subject to the statutory exemption for “Specific actions necessary to prevent or mitigate an emergency” (Emergency Project; Pub. Resources Code, §21080, subd. (b)(4)) under the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.). “Emergency” is defined as “A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services” (Pub. Resources Code, §21060.3).

The Project, as amended, includes the investigation, excavation, repair, site cleanup, and remediation to two segments of the 12-inch M-55 pipeline that carries heavy crude oil approximately 17 miles from Kern County to the Torrance refinery in the city of Torrance, California. The segments where repairs will be conducted are comprised of partially buried pipeline spanning stream channels. Partially buried pipeline segments are exposed from soil erosion and vulnerable to accelerated corrosion or coating degradation. Therefore, the repairs to the two segments of the M-55 pipeline are required to avoid potential leaks or spills into streams.

On February 13, 2023, CDFW received the official request from the Permittee for a Minor Amendment (Amendment No. 3) to the ITP, as amended, to extend the expiration date of the ITP, as amended, from March 1, 2023, to March 1, 2026, in order to purchase Covered Species credits from a CDFW-approved mitigation or conservation bank. This request will also require the extension of the date in which Condition of Approval 8 is to be completed from 42 months of the effective date of this ITP, as amended, to by March 1, 2026. An email requesting this change was received on February 3, 2023. CDFW received the corresponding fee from the permittee on March 3, 2023. The Covered Activities associated with the Project were completed on January 8, 2020.

CDFW has determined that Amendment No. 3 will not result in an increase in take of the Covered Species and will not increase Covered Species habitat impacts, therefore, there will be no increase in Project impacts to the Covered Species with Amendment No. 3. Impacts will be minimized and fully mitigated through the implementation of measures required by Incidental Take Permit No. 2081-2019-010-04, as amended. Measures include: 1) Weekly Compliance Reports; 2) establishment of avoidance zones; 3) worker education; and 4) permanent habitat protection.