EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY

DATE: February 20, 2014

TO: Governing Board

FROM: Conservancy Staff

SUBJECT: **Agreement with Chevron Pipe Line Company to Extend Take Coverage**

RECOMMENDATION

Consider the following actions related to extending take coverage to Chevron Pipeline KLM 32 PIM Repair Project:

a. **AUTHORIZE staff to file a Notice of Exemption with the County Clerk for the project.**

b. **AUTHORIZE staff to execute a Participating Special Entity Agreement with Chevron Pipe Line Company for take coverage of the Chevron Pipeline KLM 32 PIM Repair Project**

DISCUSSION

ITEM (A). California Environmental Quality Act (CEQA): The Board's decision to authorize staff to execute a Participating Special Entity Agreement and to extend take authorization under the PSE Agreement to Chevron Pipe Line Company for the Chevron Pipeline KLM 32 PIM Repair Project is a public agency action that must comply with CEQA. For purposes of the Project, the Conservancy is the CEQA lead agency. The Conservancy has determined the Project is exempt from CEQA pursuant to a statutory exemption for emergency repairs to public service facilities (Pub. Resources Code section 21080 (b)(2); Cal. Code Regs., tit. 14, §15269 (b)).

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: February 20, 2014 APPROVED AS RECOMMENDED:_____
OTHER_____

VOTE OF BOARD MEMBERS
___UNANIMOUS
AYES:_____
NOES: _____
ABSENT:_____
ABSTAIN:_____

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
Catherine Kutsuris, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

BY:_____, DEPUTY

ITEM (B). Chevron Pipe Line Company ("Chevron") plans to address a maintenance issue at Site 32 on the KLM pipeline in eastern Contra Costa County, within the city limits of Brentwood, California. The Chevron Pipeline KLM 32 PIM Repair Project ("Project") would consist of a minor excavation to access the pipeline, a repair or maintenance improvement, the replacement of the soil upon completion of the repair and restoration and monitoring to restore the site to pre-project conditions.

The U.S. Department of Transportation ("DOT") pipeline safety regulations require companies operating pipelines to conduct maintenance repairs to the pipeline within a set timeframe. This action is proposed as part of a pipeline integrity management plan in order for Chevron to comply with U.S. Department of Transportation ("DOT") hazardous materials and safety regulations, and to facilitate the continued safe transportation of petroleum products.

The Project consists of a work area approximately 10 feet wide by 50 feet long (0.01-acre). In the work area only a 10 feet by 20 feet (0.005-acre) area will be excavated, which is within an adjacent wetland to Dry Creek. The remaining disturbance to the area will be an access route or stockpiling dirt from the trench, of an area approximately 10 feet wide by 100 feet in length (0.02 acre). The total impact acreage associated with this Project is 0.032 acres. This Project consists of only temporary impacts to both the wetland and upland habitat. The applicant has prepared a restoration and monitoring plan for the Project site to ensure that the post-project conditions, including the wetland function, is fully restored to pre-project conditions (Attachment A: Revegetation and Monitoring Plan).

(See Figures 1-4 and the Project Description in the Planning Survey Report Application for more information on the Project and its location).

Chevron is requesting take authorization for the Project through the Conservancy as a Participating Special Entity. Chapter 8.4 of the HCP/NCCP provides that organizations, including public agencies and private organizations, may apply directly to the Conservancy for take coverage as a Participating Special Entity ("PSE") for projects not subject to the land use authority of one of the land use agencies participating in the HCP/NCCP. Chevron does not require any city or county land use permits for this Project and is therefore eligible to apply for take coverage as a PSE. As a PSE, Chevron will obtain authorization for take of HCP/NCCP covered species in accordance with the applicable terms and conditions of the Implementing Agreement, the HCP/NCCP, and the state and federal permits.

In order to apply for take coverage as a Participating Special Entity, the PSE's project must be an eligible covered activity or specifically named project under the HCP/NCCP. As set forth in Section 2.3.2 of the HCP/NCCP, certain public and private utility infrastructure projects are an eligible covered activity within the HCP/NCCP inventory area. The Project is an eligible covered activity.

In order to receive permit coverage under the HCP/NCCP, the Conservancy and the Chevron must enter into an Agreement obligating compliance with the applicable terms and conditions of the Implementing Agreement, the HCP/NCCP, and the state and federal permits. The agreement must describe and bind Chevron to perform all avoidance, minimization, and mitigation

measures applicable to the Project. Conservancy staff has prepared the proposed Participating Special Entity Agreement ("Agreement") and Chevron agrees to the terms and conditions therein (attached).

Attached as Exhibit 1 to the PSE Agreement is the completed Planning Survey Report Application ("PSR") for the Project, which was prepared by Chevron in consultation with Conservancy staff. The PSR documents the results of the planning-level surveys conducted at the repair site and associated access areas where impacts will occur and describes the specific pre-construction surveys, avoidance/minimization/construction monitoring, and mitigation measures that are required in order for the Project to be covered through the HCP/NCCP. The PSR contains project vicinity maps, detailed maps showing the impacts associated with the Project site, land cover and species habitat maps, and the Fee Calculator Worksheets. Note, in order to ensure and demonstrate that the alkali wetland fully recovers from the impacts associated with the Project, Chevron developed and agrees to implement a 5-year post-project performance monitoring plan. The plan outlines performance criteria to document post-project performance which will be used to determine if by year 5 the site has at minimum been restored to pre-project conditions. The plan provides that Chevron will meet and confer with the Conservancy to determine what additional mitigation measures and steps can be taken to address the shortfall if Chevron fails to meet the success criteria defined in the plan.

Key provisions of the Agreement:

- The Project impacts are reflected in the table below:

	Impact Type (acres)
Land Cover Type	**Temporary**
Ruderal	0.027
Alkali Wetland	0.005
Total	**0.032**

- The Agreement provides that Chevron will reimburse the Conservancy for staff costs associated with processing the request for take coverage, up to a maximum reimbursement of $5,000.

- In addition, as set forth in the Agreement (page 6), Chevron will pay the Conservancy $3,305.34, which amount includes all HCP/NCCP mitigation fees necessary for the Project as well as a Contribution to Recovery for Endangered Species.

- The table below summarizes the required fees and administrative costs:

Chevron Pipeline KLM 32 PIM Repair Project Fee Summary	
Temporary Impact Development Fee:	$699.15
Temporary Impact Wetland Mitigation Fee:	$953.52
Contribution to Recovery for Endangered Species:	$1,652.67
TOTAL FEES AND CONTRIBUTIONS	**$3,305.34**
Maximum Administrative Costs	$5,000.00
MAXIMUM AMOUNT TO BE PAID	**$8,305.34**

- The Fees and Administrative Costs must be paid before work commences. Chevron anticipates starting work in March of 2014 (as soon as they are able to secure all the necessary regulatory permits).

- As set forth in the HCP/NCCP, the Conservancy may charge a Participating Special Entity a Contribution to Recovery to help the Conservancy cover certain costs associated with the HCP/NCCP that are not included in the mitigation fees (for example, the costs of preserve management beyond the permit term, the costs born by the Conservancy of exceeding mitigation requirements and contributing to the recovery of covered species (as is required because the plan is an NCCP and by state law NCCP's must contribute to recovery, etc.)). Staff proposes a Contribution to Recovery in the amount of $3,305.34. This amount is equal to the mitigation fees required for the impacts and Staff believes this is consistent with the amount of Contribution to Recovery charged in previous, similar Participating Special Entity projects.

- The Agreement requires a number of detailed measures to avoid impacts to several covered species including pre-construction surveys and avoidance and minimization measures for San Joaquin kit fox, western burrowing owl, and covered shrimp.

- Because of the limited field surveys conducted only during the dry season for covered shrimp and the current drought conditions limiting wet season observation and data collection, the applicant is proposing to provide additional evidence that the site does not provide suitable habitat for listed VPBs (covered shrimp) after project approval but prior to initiating construction. Collection of additional data will be coordinated with the USFWS and Conservancy to confirm that it satisfies the request for additional information to support a non-suitable habitat conclusion. (These additional measures are outlined in the Planning Survey Report Application).

- The Agreement provides a detailed measure to avoid impacts to special status plant species covered by the HCP/NCCP. The required rare plant surveys for Alkali milkvetch during the appropriate blooming season were infeasible prior to submission of the application. Given the urgent nature of the project as well as the short duration of the proposed impacts, Conservancy staff has worked with the applicant to develop a detailed measure which seeks to limit and avoid potential impacts to this special status plant species. The additional measure is as follows:

    - Rare plant surveys will be conducted in March of 2014 during the appropriate blooming season for Alkali milkvetch. The rare plant survey will assess the repair site and a buffer around the repair site. The results of the surveys will be documented in a rare plant survey report to be submitted to the Conservancy in conjunction with the Construction Monitoring Plan. If special-status plant species are identified in the project area, the applicant will be required to meet and confer with Conservancy staff to develop and implement a suitable plan to address Conservation Measure 3.10 "Plant Salvage when Impacts are Unavoidable," Section 6.31. "Covered and No-Take Plants," and Table 5-20 "Protection Requirements for Covered Plants" in the HCP/NCCP as well as be required to comply with several additional measures to avoid and minimize impacts in order to ensure that this species is protected.

Next steps: If the Conservancy Governing Board authorizes staff to sign the PSE Agreement, key next steps in granting take coverage would be as follows:

- Chevron signs the Agreement.
- Staff will ask the Wildlife agencies to review the Agreement and to concur that the Agreement includes all applicable requirements of the HCP/NCCP with regard to the Project and imposes a duty on Chevron to implement them. If, and only if, the Wildlife Agencies concur, the Executive Director of the Conservancy will sign the Agreement. Note: Participating Special Entity Agreements, unlike the granting of take authorization by a participating City or County, require Wildlife Agency concurrence.
- Chevron pays all required mitigation and administrative costs (to-date, as set forth in an invoice to be provided to Chevron by Conservancy staff), as outlined in the Agreement.
- The Conservancy issues Chevron a Certificate of Inclusion. Take authorization would then be in effect, subject to the terms of the Agreement.
- A summary report shall be submitted to the Conservancy and USFWS providing the results of the hydrology survey's or topography study measures prior to the start of construction, in accordance with the PSE Agreement and Exhibit 1.
- A rare plant survey report will be submitted to the Conservancy after the March 2014 spring blooming season survey is conducted, in accordance with the PSE Agreement and Exhibit 1.
- Chevron conducts pre-construction surveys to determine which species-specific avoidance and minimization measures are required during construction.

- Chevron develops and submits a construction monitoring plan to the Conservancy in accordance to Section 6.3.3 of the HCP/NCCP.
- Chevron implements the Project subject to the terms of the Agreement.
- Chevron implements the Post-Construction Monitoring Plan and adheres to the terms and agreements therein.

Attachments:

- **PSE Agreement, including:**
  - **Main body of agreement**
  - **Exhibit 1: Planning Survey Report:**
    - Main body of planning survey report
      - Exhibit 1: Fee Calculator
      - Attachment A: Restoration and Monitoring Plan for Chevron Pipe Line's KLM 32 PIM Repair Project
      - Attachment B: Preliminary Wetland Delineation Report for Chevron Pipe Line's KLM 32 PIM Repair Project
      - Figures 1-4:
        -Figures 1a: Site Location Map
        -Figure 1b: Aerial Site Location Map
        -Figure 2a: Project Site Plan
        -Figure 2b: Detail Project Site Plan
        -Figure 3a: Land Cover Map
        -Figure 3b: Site Photographs
        -Figures 4a through 4f: Planning Survey Species Habitat Maps for San Joaquin kit fox, western burrowing owl, California tiger salamander, and sensitive branchiopod species

PARTICIPATING SPECIAL ENTITY AGREEMENT

Between

THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY
and the
CHEVRON PIPE LINE COMPANY

1.0 PARTIES

This Agreement is made and entered into by the East Contra Costa County Habitat Conservancy ("Conservancy") and Chevron Pipe Line Company ("Participating Special Entity" or "PSE") as of the Effective Date.

2.0 RECITALS

The Parties have entered into this Agreement in consideration of the following facts:

2.1 The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan ("HCP/NCCP," or "Plan") is intended to provide a comprehensive framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for certain projects that would cause impacts on endangered and threatened species. The primary policy priority of the Plan is to provide comprehensive species, wetlands, and ecosystem conservation and contribute to recovery of endangered and threatened species within East Contra Costa County while balancing open space, habitat, agriculture, and urban development. To that end, the Plan describes how to avoid, minimize, and mitigate, to the maximum extent practicable, impacts on Covered Species and their habitats while allowing for certain development and other activities in selected regions of the County and the Cities of Pittsburg, Clayton, Oakley, and Brentwood.

2.2 The Conservancy is a joint powers authority formed by its members, the County of Contra Costa ("County"), the City of Pittsburg ("Pittsburg"), the City of Clayton ("Clayton"), the City of Oakley ("Oakley") and the City of Brentwood ("Brentwood"), to implement the HCP/NCCP.

2.3 The HCP/NCCP covers approximately one-third of the County, or 174,082 acres, all in East Contra Costa County, in which impacts from certain development and other activities are evaluated, and in which conservation will occur.

2.4 The area covered by the HCP/NCCP has been determined to provide, or potentially provide, habitat for twenty-eight (28) species that are listed as endangered or threatened, that could in the future be listed as endangered

or threatened, or that have some other special status under federal or state laws.

2.5 The Conservancy has received authorization from the United States Fish and Wildlife Service ("USFWS") under incidental take permit TE 160958-0, and the California Department of Fish and Game ("CDFG"), under incidental take permit 2835-2007-01-03, for the Take of the twenty-eight (28) special-status species and certain other species, as take is defined respectively under federal and state law, while carrying out certain development and other activities.

2.6 The Conservancy may enter into agreements with participating special entities that allow certain activities of theirs to be covered by the Federal Permit and the State Permit, subject to the conditions in the Implementing Agreement ("IA"), the HCP/NCCP and the Permits.

2.7 PSE plans to implement the Chevron Pipeline KLM 32 PIM Repair Project and seeks an extension of the Conservancy's permit coverage to perform required maintenance at Site 32 on the KLM pipeline in an undeveloped area within the city limits of Brentwood, California. The repair will be performed as part of a pipeline integrity management plan to comply with Department of Transportation hazardous materials and safety regulations, as further described in Exhibit 1.

2.8 The Conservancy has concluded, based on the terms of this Agreement and the application submitted by PSE (the "Application"), that PSE has provided adequate assurances that it will comply with all applicable terms and conditions of the IA, the HCP/NCCP, and the Permits. The Application is attached hereto as Exhibit 1 and is hereby incorporated into this Agreement by reference.

3.0 DEFINITIONS

The following terms as used in this Agreement will have the meanings set forth below. Terms specifically defined in FESA, CESA or NCCPA or the regulations adopted by USFWS and CDFG under those statutes shall have the same meaning when used in this Agreement. Definitions used in this Agreement may elaborate on, but are not intended to conflict with, such statutory or regulatory definitions.

3.1 **"Application"** means the application submitted by the PSE in accordance with Chapter 8.4 of the HCP/NCCP, and which is attached hereto as Exhibit 1. The Application contains a cover sheet, the results of required planning surveys and the avoidance, minimization and mitigation measures that will be a condition of the PSE using Conservancy's Permits.

3.2 **"Authorized Take"** means the extent of incidental Take of Covered Species authorized by the USFWS in the Federal Permit issued to the Conservancy pursuant to Section 10(a)(1)(B) of FESA, and the extent of Take of Covered Species authorized by CDFG in the State Permit issued

to the Conservancy pursuant to California Fish and Game Code section 2835.

3.3 **"CDFG"** means the California Department of Fish and Game, a department of the California Resources Agency.

3.4 **"CESA"** means the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and all rules, regulations and guidelines promulgated pursuant to that Act.

3.5 **"Changed Circumstances"** means changes in circumstances affecting a Covered Species or the geographic area covered by the HCP/NCCP that can reasonably be anticipated by the Parties and that can reasonably be planned for in the HCP/NCCP. Changed Circumstances and planned responses to Changed Circumstances are more particularly defined in Section 12.2 of the IA and Chapter 10.2.1 of the HCP/NCCP. Changed Circumstances do not include Unforeseen Circumstances.

3.6 **"Covered Activities"** means those land uses and conservation and other activities described in Chapter 2.3 of the HCP/NCCP to be carried out by the Conservancy or its agents that may result in Authorized Take of Covered Species during the term of the HCP/NCCP, and that are otherwise lawful.

3.7 **"Covered Species"** means the species, listed and non-listed, whose conservation and management are provided for by the HCP/NCCP and for which limited Take is authorized by the Wildlife Agencies pursuant to the Permits. The Take of Fully Protected Species is not allowed. The Take of extremely rare plants that are Covered Species is allowed only as described in Section 6.0 and the IA.

3.8 **"Effective Date"** means the date when this Agreement is fully executed.

3.9 **"Federal Listed Species"** means the Covered Species which are listed as threatened or endangered species under FESA as of the Effective Date, and the Covered Species which are listed as threatened or endangered pursuant to FESA during the term of the HCP/NCCP as of the date of such listing.

3.10 **"Federal Permit"** means the federal incidental Take permit issued by USFWS to the Conservancy and other local agencies pursuant to Section 10(a)(1)(B) of FESA (permit number TE 160958-0), as it may be amended from time to time.

3.11 **"FESA"** means the Federal Endangered Species Act of 1973, as amended (16 U.S.C § 1531 et seq.) and all rules, regulations and guidelines promulgated pursuant to that Act.

3.12 **"Fully Protected Species"** means any species identified in California Fish and Game Code sections 3511, 4700, 4800, 5050 or 5515 that occur within the Plan Area.

3.13 **"HCP/NCCP"** or **"Plan"** means the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan.

3.14 **"Implementing Agreement"** or **"IA"** means the "Implementing Agreement for the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan," dated January 22, 2007.

3.15 **"Jurisdictional Wetlands and Waters"** means State and federally regulated wetlands and other water bodies that cannot be filled or altered without permits from either the U.S. Army Corps of Engineers under section 404 of the Clean Water Act or, from the State Water Resources Control Boards under either section 401 of the Clean Water Act or the Porter-Cologne Water Quality Act, or CDFG under section 1602 of the Fish and Game Code, as further explained in Chapter 1.3.5 of the HCP/NCCP.

3.16 **"Listed Species"** means a species (including a subspecies, or a distinct population segment of a vertebrate species) that is listed as endangered or threatened under FESA or CESA.

3.17 **"NCCPA"** means the Natural Community Conservation Planning Act (Fish & G. Code, § 2800 et seq.) and all rules, regulations and guidelines promulgated pursuant to that Act.

3.18 **"Non-listed Species"** means a species (including a subspecies, or a distinct population segment of a vertebrate species) that is not listed as endangered or threatened under FESA or CESA.

3.19 **"Party"** or **"Parties"** means any or all of the signatories to this Agreement.

3.20 **"Permit Area"** means the area within the Plan Area where the Conservancy has received authorization from the Wildlife Agencies for the Authorized Take of Covered Species while carrying out Covered Activities.

3.21 **"Permits"** means the Federal Permit and the State Permit.

3.22 **"Plan Area"** means the geographic area analyzed in the HCP/NCCP, located in the eastern portion of Contra Costa County, as depicted in Figure 1-1 of the HCP/NCCP. The Plan Area is further described in detail in Chapter 1.2.1 of the HCP/NCCP. The Plan Area is also referred to as the "Inventory Area" in the HCP/NCCP.

3.23 **"Preserve System"** means the land acquired and dedicated in perpetuity through either a fee interest or conservation easement intended to meet the preservation, conservation, enhancement and restoration objectives of the HCP/NCCP.

3.24 **"Project"** means the Chevron Pipeline KLM 32 PIM Repair Project, as described in Section 2.7.

3.25 **"Regional General Permit 1"** means activities authorized under the Regional General Permit 1 with the U.S. Army Corps of Engineers covering the Plan Area of the HCP/NCCP.

3.26 **"State Permit"** means the state Take permit issued to the Conservancy and other local agencies pursuant to Section 2835 of the California Fish and Game Code (permit number 2835-2007-01-03), as it may be amended from time to time.

3.27 **"Take"** has the same meaning provided by FESA and its implementing regulations with regard to activities subject to FESA, and also has the same meaning provided in the California Fish and Game Code with regard to activities subject to CESA and NCCPA.

3.28 **"Unforeseen Circumstances"** under the Federal Permit means changes in circumstances affecting a Covered Species or geographic area covered by the HCP/NCCP that could not reasonably have been anticipated by the Plan developers and USFWS at the time of the Plan's negotiation and development, and that result in a substantial and adverse change in the status of a Covered Species. "Unforeseen Circumstances" under the State Permit means changes affecting one or more species, habitat, natural community, or the geographic area covered by the Plan that could not reasonably have been anticipated at the time of Plan development, and that result in a substantial adverse change in the status of one or more Covered Species.

3.29 **"USFWS"** means the United States Fish and Wildlife Service, an agency of the United States Department of Interior.

3.30 **"Wildlife Agencies"** means USFWS and CDFG.

4.0 PURPOSES

This Agreement defines the Parties' roles and responsibilities and provides a common understanding of actions that will be undertaken to avoid, minimize and mitigate the effects on the Covered Species caused by the Project, and to provide for the conservation of the Covered Species within the Plan Area. The purposes of this Agreement are to ensure implementation of each of the terms and conditions of this Agreement, and the relevant terms of the IA, the HCP/NCCP, and the Permits, and to describe remedies and recourse should either Party fail to perform its obligations as set forth in this Agreement.

5.0 AVOIDANCE, MINIMIZATION AND MITIGATION OF IMPACTS

5.1 General Framework

As required by FESA and NCCPA, the HCP/NCCP includes measures to avoid and minimize take of Covered Species and to conserve natural communities and Covered Species at the landscape-, habitat- and species-level. Chapter 6 of the HCP/NCCP

provides further instructions to determine which avoidance and minimization measures are applicable to particular Covered Activities. PSE shall implement all applicable avoidance and minimization measures as required by the HCP/NCCP, including but not limited to those identified in Chapter 6, as described in the Application and this Agreement.

5.2 Surveys and Avoidance Measures

Planning surveys are required prior to carrying out any Covered Activity for which a fee is collected or land in lieu of a fee is provided. PSE has submitted a planning survey report for approval by the Conservancy in accordance with Chapter 6.2.1 of the HCP/NCCP. This planning survey report is contained within the Application, which describes the results of the planning survey and describes in detail the pre-construction surveys, construction monitoring, avoidance measures and mitigation measures that apply to the Project and shall be performed by PSE. Based on the Application, the Conservancy has determined that PSE will implement and comply with all applicable preconstruction surveys and construction monitoring requirements described in Chapters 6.2.2 and 6.2.3 of the HCP/NCCP.

5.3 No Take of Extremely Rare Plants or Fully Protected Species

Nothing in this Agreement, the HCP/NCCP or the Permits shall be construed to allow the Take of extremely rare plant species listed in Table 6-5 of the HCP/NCCP ("No-Take Plant Population") or any Fully Protected Species under California Fish and Game Code sections 3511, 4700, 4800, 5050 or 5515. PSE shall avoid Take of these species.

5.4 Delineation of Jurisdictional Wetlands and Waters

Jurisdictional Wetlands or Waters are present on the site of the Project, and PSE has provided to the Conservancy a jurisdictional delineation in accordance with Chapter 6.3.1 of the HCP/NCCP. PSE shall pay the Wetland Mitigation Fee based on the delineation, as specified in the Application.

5.5 Fees and Dedications

As set forth in the Application, PSE agrees to pay the Conservancy a one-time payment of **$3,305.34**, which amount includes all HCP/NCCP mitigation fees necessary for the Project. The payment also includes an amount sufficient to implement additional actions that will contribute to the recovery of endangered and threatened species ("Contribution to Recovery"). The overall payment amount is the sum of the following:

Temporary Impact Development Fee: $699.15

Temporary Impact Wetland Mitigation Fee: $953.52

Contribution to Recovery: $1,652.67

The payment must be paid in full before any ground-disturbance associated with the Project occurs. Notwithstanding the above, the Parties acknowledge that the Conservancy adjusts its fee schedule annually on March 15 of each year in accordance with the fee adjustment provisions of Chapter 9.3.1 of the HCP/NCCP. If the PSE pays before March 15, 2014 and construction of the Project commences before March 15, 2014, the amount due will be as stated above. If PSE pays on or after March 15, 2014 or construction of the

Project does not commence before March 15, 2014, the amount due will be subject to annual fee adjustments for all fees, and subject to annual adjustments of the Contribution to Recovery based on the formula set forth in Chapter 9.3.1 for the HCP/NCCP wetland mitigation fee. Based on these adjustments, if PSE pays before March 15 of any year, but construction does not commence before March 15 of that year, PSE will either be required to submit an additional payment for any increases or be entitled to a refund without interest for any decreases.

6.0 TAKE AUTHORIZATION

6.1 Extension of Take Authorization to PSE

As provided in Chapter 8.4 of the HCP/NCCP, after receipt of the Wildlife Agencies' written concurrence that the Proposed Activity complies with the HCP/NCCP, the Permits and the IA, and after execution of this Agreement, payment of fees, compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the Conservancy shall issue a Certificate of Inclusion to PSE that specifically describes the Authorized Take and required conservation measures and extends Take authorization under the Permits to PSE. PSE is ultimately responsible for compliance with all applicable terms and conditions of this Agreement, the IA, the HCP/NCCP and the Permits.

6.1.1 Compliance with the California Environmental Quality Act

The Conservancy's issuance of a Certificate of Inclusion to the PSE is a public agency action that must comply with CEQA. For purposes of the Project, the Conservancy is the CEQA lead agency. The Conservancy has determined the Project is exempt from CEQA pursuant to a statutory exemption for emergency repairs to public service facilities (Pub. Resources Code section 21080 (b)(2); Cal. Code Regs., tit. 14, §15269 (b)).

6.2 Duration of Take Authorization

Once the Take authorization has been extended to the Project, it shall remain in effect for a period of fifteen (15) years, unless and until the Permits are revoked by USFWS or CDFG, in which case the Take authorization may also be suspended or terminated.

6.3 Section 7 Consultations with USFWS

Nothing in this Agreement is intended to alter the obligation of a federal agency to consult with USFWS pursuant to Section 7 of FESA (16 U.S.C. §1536(a)). The PSE acknowledges that, if the Proposed Activities are authorized, funded, or carried out by a federal agency, the federal agency and the Proposed Activities must also comply with Section 7. As provided in Section 16.1 of the IA, USFWS has made a commitment that, unless otherwise required by law or regulation, it will not require any measures under Section 7 that are inconsistent with or exceed the requirements of the HCP/NCCP and the Permits for activities covered by the HCP/NCCP and the Permits.

The PSE will be seeking authorization from the U.S. Army Corps of Engineers under Regional General Permit 1 for impacts involving discharge of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act. The issuance of a Section 404 permit, under the Regional General Permit 1, must comply with Section 7 of FESA.

7.0 RIGHTS AND OBLIGATIONS OF PSE

7.1 Rights

Upon the Conservancy's issuance of a Certificate of Inclusion to PSE, PSE may Take the Covered Species while carrying out the Project in the Permit Area, as further authorized by and subject to the conditions of this Agreement, the IA, the HCP/NCCP, and the Permits. The authority issued to PSE applies to all of its elected officials, officers, directors, employees, agents, subsidiaries, contractors, and subcontractors, and their officers, directors, employees and agents to the extent that they participate in the implementation of the Project. PSE shall periodically conduct an educational program to fully inform all such persons and entities of the terms and conditions of the Permits, and PSE shall be responsible for supervising their compliance with those terms and conditions. All contracts between PSE and such persons and entities shall require their compliance with the Permits.

7.2 General Obligations

The PSE will fully and faithfully perform all obligations assigned to it under this Agreement, the IA, the HCP/NCCP, the Permits, including but not limited to the obligations assigned in the following chapters of the HCP/NCCP: Chapter 6.0 (Conditions on Covered Activities), Chapter 8.4 (Participating Special Entities), and Chapter 9.0 (Funding). PSE shall implement all measures and adhere to all standards included in the Application, and PSE shall reserve funding sufficient to fulfill its obligations under this Agreement, the IA, the HCP/NCCP and the Permits throughout the term of this Agreement. PSE will promptly notify the Conservancy of any material change in its financial ability to fulfill its obligations under this Agreement.

7.3 Obligations In The Event of Suspension or Revocation

In the event that USFWS and/or CDFG suspend or revoke the Permits pursuant to Sections 19.0 and 21.0 of the IA, PSE will remain obligated to fulfill its mitigation, enforcement, management, and monitoring obligations, and its other HCP/NCCP obligations, in accordance with this Agreement and applicable statutory and regulatory requirements for all impacts resulting from implementation of the Project prior to the suspension or revocation.

7.4 Interim Obligations upon a Finding of Unforeseen Circumstances

If the Wildlife Agencies make a finding of Unforeseen Circumstances with regard to a Federal Listed Covered Species, during the period necessary to determine the nature and location of additional or modified mitigation, PSE will avoid contributing to an appreciable reduction in the likelihood of the survival and recovery of the affected

species. As described in Section 15.2.2 and Section 15.3.2 of the IA, the Wildlife Agencies shall be responsible for implementing such additional measures or modifications, unless PSE consents to do so.

7.5 Obligations In The Event Of Changed Circumstances

Changed Circumstances, as described in 50 Code of Federal Regulations section 17.22(b)(5)(i), are adequately addressed in Chapter 7 and Chapter 10 of the HCP/NCCP, and PSE shall implement any measures for such circumstances as called for in the HCP/NCCP, as described in Section 12.2 of the IA.

7.6 Obligation to Compensate Conservancy for Administrative Costs

PSE shall compensate the Conservancy for its direct costs associated with this Agreement, including but not limited to, staff, consultant and legal costs incurred as a result of the review of the Application, drafting and negotiating this Agreement, monitoring and enforcement of this Agreement, and meetings and communications with PSE (collectively, Conservancy's "Administrative Costs"). Conservancy's Administrative Costs shall not exceed $5,000 in the aggregate. Conservancy shall provide PSE with invoices detailing its Administrative Costs monthly or quarterly, at Conservancy's discretion. PSE shall remit payment of each invoice within thirty (30) days of receiving it.

This provision is not intended to, and shall not be construed to, limit PSE's duty to indemnify the Conservancy as provided in Section 7.7 of this Agreement.

7.7 Indemnification

PSE agrees to defend, indemnify, and hold harmless the Conservancy and its board members, officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "Proceedings") brought against Conservancy or its board members, officers, contractors, consultants, attorneys, employees, or agents arising out of or resulting from any of the following.

- Decisions or actions of the Conservancy related to the Project, this PSE Agreement, or compliance with the California Environmental Quality Act of 1970, as amended ("CEQA") with regard to the Project; and
- The negligence, recklessness, or intentional misconduct of any representative, employee, or agent of PSE.

Notwithstanding the above, (i) PSE shall have no duty to defend, indemnify, or hold harmless the Conservancy to the extent damages are sought in a tort claim arising out of or resulting from the individual negligence, recklessness, or intentional misconduct of any representative, employee, or agent of the Conservancy and (ii) the indemnification obligations set forth above shall in no way limit the rights and remedies of PSE with respect to any breach of the terms and conditions of this PSE Agreement by the Conservancy.

PSE's duty to indemnify the Conservancy includes, but is not limited to, damages, fees and/or costs awarded against or incurred by Conservancy, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with any Proceedings.

7.7.1 Enforcement of Indemnification Provision

PSE agrees to indemnify Conservancy for all of Conservancy's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.

7.7.2 Compliance Costs

PSE agrees to defend, indemnify and hold harmless Conservancy, its officers, contractors, consultants, attorneys, employees and agents from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as this Agreement or any document required for purposes of compliance with CEQA) if made necessary by any Proceedings.

7.7.3 Obligations in the Event of Litigation

In the event that PSE is required to defend Conservancy in connection with any Proceedings, Conservancy shall have and retain the right to approve, which approval shall not be withheld unreasonably:

- the counsel to so defend Conservancy;
- all significant decisions concerning the manner in which the defense is conducted; and
- any and all settlements.

Conservancy shall also have and retain the right to decline to participate in the defense, except that Conservancy agrees to reasonably cooperate with PSE in the defense of the Proceedings. If Conservancy participates in the defense, all Conservancy fees and costs shall be paid by PSE.

PSE's defense and indemnification of Conservancy set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the Proceedings.

7.8 Fee Simple Owner of Project Site

PSE owns an easement for the pipeline to be repaired during the Project but may not be the fee simple owner of the land in the Project site. PSE is solely responsible for securing from the fee simple owner any authorization necessary to perform the Project and is solely responsible for complying with any conditions of such authorization.

8.0 REMEDIES AND ENFORCEMENT

If PSE fails to comply with the terms of this Agreement, the IA, the HCP/NCCP, or the Permits, the Conservancy may withdraw the Certificate of Inclusion and terminate any Take authorization extended to PSE. The Conservancy shall also have all of the remedies available in equity (including specific performance and injunctive relief) and at law to enforce the terms of this Agreement, the IA, the HCP/NCCP and the Permits, and to seek redress and compensation for any breach or violation thereof. The Parties acknowledge

that the Covered Species are unique and that their loss as species would be irreparable and that therefore injunctive and temporary relief may be appropriate in certain instances involving a breach of this Agreement.

9.0 FORCE MAJEURE

In the event that a Party is wholly or partially prevented from performing obligations under this Agreement because of unforeseeable causes beyond the reasonable control of and without the fault or negligence of Party ("Force Majeure"), including, but not limited to, acts of God, labor disputes, sudden actions of the elements not identified as Changed Circumstances, or actions of non-participating federal or state agencies or local jurisdictions, the Party shall be excused from whatever performance is affected by such unforeseeable cause to the extent so affected, and such failure to perform shall not be considered a material violation or breach, provided that nothing in this section shall be deemed to authorize either Party to violate FESA, CESA or NCCPA, and provided further that:

- The suspension of performance is of no greater scope and no longer duration than is required by the Force Majeure;
- Within seven (7) days after the occurrence of the Force Majeure, the Party invoking this section shall give the other Party written notice describing the particulars of the occurrence;
- The Party shall use best efforts to remedy its inability to perform (however, this paragraph shall not require the settlement of any strike, walk-out, lock-out or other labor dispute on terms which in the sole judgment of the Party is contrary to its interest); and
- When the Party is able to resume performance of their obligations, it shall give the other Party written notice to that effect.

10.0 MISCELLANEOUS PROVISIONS

10.1 Calendar Days

Throughout this Agreement and the HCP/NCCP, the use of the term "day" or "days" means calendar days, unless otherwise specified.

10.2 Notices

Any notice permitted or required by this Agreement shall be in writing, and delivered personally, by overnight mail, or by United States mail, certified and postage prepaid, return receipt requested. Notices may be delivered by facsimile or electronic mail, provided they are also delivered by one of the means listed above. Delivery shall be to the name and address of the individual responsible for each of the Parties, as follows:

John Kopchik
East Contra Costa County Habitat Conservancy
c/o Contra Costa County Department of Conservation and Development
30 Muri Road
Martinez, CA 94553
Email: john.kopchik@dcd.cccounty.us
Phone: 925-674-7819

Jeri James
Pipeline
HES Team Leader- Operations West
Chevron Pipe Line Company
9525 Camino Media
Bakersfield, CA 93311
Email: JeriJames@chevron.com
Phone: 661-654-7735

Notices shall be transmitted so that they are received within the specified deadlines. Notices delivered personally shall be deemed received on the date they are delivered. Notices delivered via overnight delivery shall be deemed received on the next business day after deposit with the overnight mail delivery service. Notice delivered via certified mail, return receipt requested, shall be deemed received as of the date on the return receipt or five (5) days after deposit in the United States mail, whichever is sooner. Notices delivered by facsimile or other electronic means shall be deemed received on the date they are received.

10.3 Entire Agreement

This Agreement, together with the IA, the HCP/NCCP and the Permits, constitutes the entire agreement among the Parties. This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by any other Party or anyone acting on behalf of any other Party that is not embodied herein.

10.4 Amendment

This Agreement may only be amended with the written consent of both Parties.

10.5 Attorneys' Fees

If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, the prevailing Party shall be able to recover its attorneys' fees and costs.

10.6 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the United States and the State of California, as applicable.

10.7 Duplicate Originals

This Agreement may be executed in any number of duplicate originals. A complete original of this Agreement shall be maintained in the official records of each of the Parties hereto.

10.8 Relationship to the FESA, CESA, NCCPA and Other Authorities

The terms of this Agreement are consistent with and shall be governed by and construed in accordance with FESA, CESA, NCCPA and other applicable state and federal law.

10.9 No Third Party Beneficiaries

Without limiting the applicability of rights granted to the public pursuant to FESA, CESA, NCCPA or other applicable law, this Agreement shall not create any right or interest in the public, or any member thereof, as a third party beneficiary thereof, nor shall it authorize anyone not a Party to this Agreement to maintain a suit for personal injuries or property damages under the provisions of this Agreement. The duties, obligations, and responsibilities of the Parties to this Agreement with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

10.10 References to Regulations

Any reference in this Agreement, the IA, the HCP/NCCP, or the Permits to any regulation or rule of the Wildlife Agencies shall be deemed to be a reference to such regulation or rule in existence at the time an action is taken.

10.11 Applicable Laws

All activities undertaken pursuant to this Agreement, the IA, the HCP/NCCP, or the Permits must be in compliance with all applicable local, state and federal laws and regulations.

10.12 Severability

In the event one or more of the provisions contained in this Agreement is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this Agreement and the remaining parts of this Agreement shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this Agreement.

10.13 Due Authorization

Each Party represents and warrants that (1) the execution and delivery of this Agreement has been duly authorized and approved by all requisite action, (2) no other authorization or approval, whether of governmental bodies or otherwise, will be necessary in order to enable it to enter into and comply with the terms of this Agreement, and (3) the person executing this Agreement on behalf of each Party has the authority to bind that Party.

10.14 No Assignment

The Parties shall not assign their rights or obligations under this Agreement, the Permits, or the HCP/NCCP to any other individual or entity.

10.15 Headings

Headings are using in this Agreement for convenience only and do not affect or define the Agreement's terms and conditions.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Implementing Agreement to be in effect as of the date last signed below.

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

By:_____ DATE:_____
JOHN KOPCHIK, Executive Director

CHEVRON PIPE LINE COMPANY

By:_____ DATE:_____
LISA SHREDER, Area Manager, Operations West

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

City of Brentwood

City of Clayton

City of Oakley

City of Pittsburg

Contra Costa County

City of Brentwood
Application Form and Planning Survey Report to Comply with and Receive Permit Coverage under the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan

Project Applicant Information:

Project Name: Chevron Pipe Line's KLM 32 PIM Repair Project- US DOT Required Maintenance

Project Applicant's Company/Organization: Chevron Pipe Line Company

Contact's Name: Ana Wauthion-Melgar/ Area West Environmental Specialist

Contact's Phone: 661-654-7433 Fax: 661-654-7301

Contact's Email: awmelgar@chevron.com

Mailing Address: Ana Wauthion-Melgar, Area West Environmental Specialist, Chevron Pipe Line Company

9525 Camino Media, E-2052

Bakersfield, CA 93311

Project Description:

Lead Planner: Krystal Hinojosa

Project Location: The project site is located within the City of Brentwood at 37°54'40.90" N, 121°43'58.90" W. Additionally, the site occurs within SE¼, SE¼, Section 22, Township 1 north, Range 2 east (Brentwood 7.5-minute USGS quadrangle). Access to the project site will be achieved from Concord Ave, which parallels the KLM pipeline corridor prior to making a 90 degree turn approximately 50 feet from the project site.

Project APN(s) #: 007-440-018-5

Number of Parcels/Units: 1

Size of Parcel(s): N/A

Project Description/Purpose (Brief): Chevron Pipe Line Company (CPL) is required by the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration to complete assessments and repairs to its pipelines in accordance with Pipeline Integrity Management (PIM) regulations contained within Title 49, Code of Federal Regulations (CFR), Section 195.569416 (E). CPL owns and operates the KLM crude oil pipeline. The KLM pipeline is a common carrier pipeline system, 192 miles in length that begins at CPL's Kettleman Station and generally extends from south to north, up from the San Joaquin Valley, to CPL's Los Medanos Station, located in Pittsburg, California. The KLM pipeline consists of 18-inch diameter pipe from Kettleman to Los Medanos, except for a nine-mile segment of 20-inch diameter pipe.

Template prepared by the ECCC Habitat Conservancy

30 Muir Road
Martinez, Ca 94553-4601
Phone: 925/674-7203
Fax: 925/674-7250
www.cocohcp.org

In 2012, CPL tested this pipeline and identified several anomalies within the pipeline systems that need to be investigated and possibly repaired to meet DOT standards. The purpose for preparing this planning survey is to obtain authorization to conduct an exploratory excavation on a specific portion of the KLM pipeline that was identified through the pigging process and conduct any repairs to the line. Chevron sends what is referred to as a smart pig through all of their pipelines every 3-5 years. The smart pig x-rays the inside of the pipeline and all sleeves, welds, and coatings. The smart pig sends back coordinates on areas that may need to be investigated. These investigations can lead to coating, welding or sleeve repairs.

Biologist Information:

Biological/Environmental Firm: Padre Associates, Inc.

Lead Contact: Dawn Bradley

Contact's Phone: 661-381-7660 ext. 301 Fax: 661-381-7663

Contact's Email: dbradley@padreinc.com

Mailing Address: Dawn Bradley, Padre Associates
5500 Ming Ave., Ste. 250
Bakersfield, CA 93309

East Contra Costa County HCP/NCCP
Planning Survey Report for
CPL KLM 32 PIM Repair Project- US DOT Required Maintenance
East Contra Costa County Habitat Conservancy

I. Project Overview

Project proponent:	Chevron Pipe Line Company
Project Name:	CPL KLM 32 PIM Repair Project – US DOT Required Maintenance
Application Submittal Date:	November 22, 2013 and as updated in February 2014
Jurisdiction:	☐ Contra Costa County ☒ Participating Special Entity[1] ☐ City of Oakley ☐ City of Pittsburg ☐ City of Clayton ☐ City of Brentwood
Check appropriate Development Fee Zone(s):	☐ Zone I ☐ Zone IV ☒ Zone II ☐ Zone III See Figure 9-1 of the Final HCP/NCCP for a generalized development fee zone map. Detailed development fee zone maps by jurisdiction are available from the jurisdiction or at www.cocohcp.org.
Total Parcel Acreage:	N/A
Acreage of land to be permanently disturbed[2]:	0.0 acre
Acreage of land to be temporarily disturbed[3]:	0.032 acre total which is comprised of only 0.005 acre will be impacts to alkali (saltgrass) wetlands.

[1] *Participating Special Entities* are organizations not subject to the authority of a local jurisdiction. Such organizations may include school districts, water districts, irrigation districts, transportation agencies, local park districts, geologic hazard abatement districts, or other utilities or special districts that own land or provide public services.

[2] *Acreage of land permanently disturbed* is broadly defined in the HCP/NCCP to include all areas removed from an undeveloped or habitat-providing state and includes land in the same parcel or project that is not developed, graded, physically altered, or directly affected in any way but is isolated from natural areas by the covered activity. Unless such undeveloped land is dedicated to the Preserve System or is a deed-restricted creek setback, the development fee will apply. The development fees were calculated with the assumption that all undeveloped areas within a parcel (e.g., fragments of undisturbed open space within a residential development) would be charged a fee; the fee per acre would have been higher had this assumption not been made. See Chapter 9 of the HCP/NCCP for details.

[3] *Acreage of land temporarily disturbed* is broadly defined in the HCP/NCCP as any impact on vegetation or habitat that does not result in permanent habitat removal (i.e. vegetation can eventually recover).

Project Description

Concisely and completely describe the project and location. Reference and attach a project vicinity map **(Figure 1)** and the project site plans **(Figure 2)** for the proposed project. Include all activities proposed for site, including those disturbing ground (roads, bridges, outfalls, runoff treatment facilities, parks, trails, etc.) to ensure the entire project is covered by the HCP/NCCP permit. Also include proposed construction dates. Reference a City/County application number for the project where additional project details can be found.

City/County Application Number:

Not Applicable

Anticipated Construction Date:

10 days to complete between January-March 2014

Project Description:

Project Site- KLM 32

Access

The proposed repair activity occurs within an undeveloped portion within the city limits of Brentwood, California (**Figure 1a and 1b**). Access to the project site will be achieved from Concord Ave, which parallels the KLM pipeline corridor prior to making a 90 degree turn approximately 50 feet from the project site.

Immediately south of the project site, is an access road for the residential developments' vineyards. Staging and equipment storage area will occur within the access road and upland vegetation (ruderal) immediately south of the project site. Access to the Project Site will involve overland travel through this ruderal habitat (approximately 10 feet wide by 100 feet in length) that is comprised of non-native species. Mowing of the area will be completed, as needed, to reduce any fire hazards associated with motorized equipment. No impacts to vegetation, nor soil disturbance is anticipated.

Construction Methods

In order to assess and repair the anomaly, a section of the pipeline will be exposed (potholed) at the site to identify the extent of the anomaly. The repair activity most likely required for this project will be welding a new sleeve around the anomaly in question. To install a new sleeve, a trench of no larger than 10 feet wide, 20 feet in length, and 4 to 6 feet in depth will be required to access the pipe in a safe manner. A backhoe will excavate and expose the pipeline, stockpiling the first one foot of topsoil and vegetation seed stock adjacent to the dig site in an upland area. The rest of the soil excavated will be stockpiled separately, either adjacent to the topsoil or within a dump truck. Equipment movement and spoils will disturb an additional 30-foot-wide area south of the trench for a total impact area of 10 feet by 50 feet. Only a portion of this length, approximately 20 linear feet, occurs in wetlands.

Once the pipeline is safely exposed, a trench box will be used to insure that the excavated walls will remain in place for safe entry into the trench to examine the pipeline anomaly. After the anomaly is located, the existing coating will be removed and discarded and a new metal sleeve will be welded over the anomaly. Once the sleeve is welded, the pipeline will be recoated and the trench will be backfilled to the existing topography prior to excavation. The topsoil with existing seed stock (approximately top 4 inches) will be placed over the excavation. More detailed information regarding the restoration and monitoring of the Project Site is included in **Attachment A: Revegetation and Monitoring Plan**.

Vehicles to be used at the project site may include a rubber tire backhoe, welding truck, water truck, and contractor pick-up trucks. Minimal equipment is necessary to complete the project; therefore, a dedicated staging area is not needed. Contractor vehicles will serve as the staging areas, as pumps, generators, and welding equipment is already stored within the vehicles.

Project Footprints

The whole disturbance area for the project consists of an area of approximately 10 feet wide by 50 feet long (0.01-acre) (**Figure 2a**). Of the area to be disturbed, only a 10 feet by 20 feet (0.005-acre) area will be excavated, which is within an adjacent wetland to Dry Creek. The remaining disturbance to the area will be used as an access route or stockpiling dirt from the trench, an area approximately 10 feet wide by 100 feet in length (0.02 acre). The trench area will be delineated with construction fencing to prohibit disturbance outside the project footprint. This fencing will be removed after repairs and initial restoration activities have been completed.

Type	**Dimensions**	**Square Feet**	**Acreage**
Alkali Wetland (Saltgrass)	10'x20'	200	0.005
Ruderal (Trench)	10'x30'	300	0.007
Ruderal (Access Road)	10'x100'	1000	0.02
TOTAL			**0.032**

Construction Schedule

Because of the proximity to California tiger salamanders historical occurrences presumably within the stockponds west of the project site, construction will take place in the first quarter of 2014, when salamanders will be least likely to occur within or adjacent to the project site.

Minimization of Impacts

The following avoidance and minimization measures will be implemented:

- The nearby creek (Dry Creek) and all wetlands to be avoided will be temporarily staked in the field by a qualified biologist to delineate the area from the work zone.
- A qualified biologist will act as a monitor and be on site during construction activities. The biological monitor will inspect the work area each day for TES species and/or signs of TES species. The biological monitor will have the authority to stop activities in the event a TES species is observed.
- No effects of urban development on downstream hydrology, streams, or wetland would result from this project. Project site will be restored to pre-construction contours and slopes which do not inhibit or alter the flow of surface hydrology.
- Spoil piles will be placed on the disturbed impact area of the ruderal habitat or within a dumptruck, further reducing any impacts from loose soils being left (during construction activities) on site in the wetland area.
- Escape ramps (45 degree) will be installed in the trench overnight to provide means of escape for wildlife that have the potential to enter the project site.
- Fencing will be erected around the outer edge of the project footprint. The fencing will be temporary and removed after construction activities have been completed.
- Trash and food items will be kept in closed containers and removed daily to prevent attracting wildlife to the site.
- Construction vehicles and equipment will be repaired and refueled a minimum of 100 feet from wetlands to the maximum extent feasible. If refueling or repairing equipment or vehicles in or within close proximity to wetlands is unavoidable, appropriate secondary spill containment will be used to prevent spills in sensitive habitats.
- Any spills of hazardous materials in sensitive habitat will be immediately cleaned up and removed.
- Standard best management practices, such as the use of silt fencing and covering of stockpiles, will be implemented to avoid increased turbidity and sedimentation in nearby waterways at the repair site.
- All areas of natural vegetation disturbed by project construction activities will be revegetated following completion of the repair. Completion of the repair would include the backfilling of the trench, final grading, removal of all construction materials, debris and equipment. Once CPL has designated work in a specific site as complete, revegetation will occur. Hydroseeding and saltgrass plugs will be incorporated into the restoration to expedite the recovery of the area. See Attachment A: Restoration and Monitoring Plan for more information.

- Post-construction restoration and monitoring will take place to follow the conditions of the project site and determine whether the site returns to pre-construction conditions. See Attachment A: Restoration and Monitoring Plan for more information.
- Additional avoidance and minimization measures listed under Conservation Measure 2.12 in the HCP/NCCP and described in Section IV of this Planning Survey Report will be implemented.

II. Existing Conditions and Impacts

Land Cover Types

In completing the checklist in Table 1, click in the appropriate fields and type the relevant information. Please calculate acres of terrestrial land cover types to nearest tenth of an acre. Calculate the areas of all jurisdictional wetlands and waters land cover types to the nearest hundredth of an acre. If the field is not applicable, please enter N/A. The sum of the acreages in the *Acreage of land to be "permanently disturbed" and "temporarily disturbed" by project* column should equal the total impact acreage listed above.

Land cover types and habitat elements identified with an ([a]) in Table 1 require identification and mapping of habitat elements for selected covered wildlife species. In Table 2a and 2b below, check the land cover types and habitat elements found in the project area and describe the results. Insert a map of all land cover types present on-site and other relevant features overlaid on an aerial photo below as Figure 3.

Table 1. Land Cover Types on the Project Site as Determined in the Field and Shown in Figure 3.

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project[b]	Acreage of Land to be "Temporarily Disturbed" by Project[b]	Acreage of Land Proposed for HCP/NCCP Dedication on the Parcel[c]	
			Stream Setback	Preserve System Dedication
Grassland[a]				
☐ Annual grassland				
☐ Alkali grassland				
☒ Ruderal		0.027		
☐ **Chaparral and scrub**				
☐ **Oak savanna[a]**				
☐ **Oak woodland**				
Jurisdictional wetlands and waters				
☐ Riparian woodland/scrub				
☐ Permanent wetland[a]				
☒ Seasonal wetland[a]		See Alkali wetland		

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project[b]	Acreage of Land to be "Temporarily Disturbed" by Project[b]	Acreage of Land Proposed for HCP/NCCP Dedication on the Parcel[c]	
			Stream Setback	Preserve System Dedication
☒ Alkali wetland[a]		0.005		
☐ Aquatic (Reservoir/Open Water)[a]				
☐ Slough/Channel[a]				
☐ Pond[a]				
☐ Stream (acres) [a, d]				
☐ Total stream length (feet) [a, d]				
Stream length by width category				
☐ ≤ 25 feet wide				
☐ > 25 feet wide				
Stream length by type and order[e]				
☐ Perennial				
☐ Intermittent				
☐ Ephemeral, 3rd or higher order				
☐ Ephemeral, 1st or 2nd order				
Irrigated agriculture[a]				
☐ Cropland				
☐ Pasture				
☐ Orchard				
☐ Vineyard				
Other				
☐ Nonnative woodland				
☐ Wind turbines				
Developed				
☐ Urban				
☐ Aqueduct				
☐ Turf				
☐ Landfill				
Uncommon Vegetation Types (subtypes of above land cover types)				
☐ Purple needlegrass grassland				
☐ Wildrye grassland				
☐ Wildflower fields				

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project[b]	Acreage of Land to be "Temporarily Disturbed" by Project[b]	Acreage of Land Proposed for HCP/NCCP Dedication on the Parcel[c]	
			Stream Setback	Preserve System Dedication
☐ Squirreltail grassland				
☐ One-sided bluegrass grassland				
☐ Serpentine grassland				
☐ Saltgrass grassland (= alkali grassland)				
☐ Alkali sacaton bunchgrass grassland				
☐ Other uncommon vegetation types (please describe)				
Uncommon Landscape Features or Habitat Elements				
☐ Rock outcrop				
☐ Cave[a]				
☐ Springs/seeps				
☐ Scalds				
☐ Sand deposits				
☐ Mines[a]	—	—		—
☐ Buildings (bat roosts) [a]	—	—		—
☐ Potential nest sites (trees or cliffs) [a]	—	—		—
Total Impacted Acres		**0.032**		

[a] Designates habitat elements that may trigger specific survey requirements and/or best management practices for key covered wildlife species. See Chapter 6 in the HCP/NCCP for details.

[b] See Section 9.3.1 of the HCP/NCCP for a definition of "permanently disturbed" and "temporarily disturbed." In nearly all cases, all land in the subject parcel is considered permanently disturbed.

[c] Dedication of land in lieu of fees must be approved by the local agency and the Implementing Entity before they can be credited toward HCP/NCCP fees. See Section 8.6.7 on page 8-32 of the Plan for details on this provision. Stream setback requirements are described in Conservation Measure 1.7 in Section 6.4.1 and in Table 6-2.

[d] Specific requirements on streams are discussed in detail in the HCP/NCCP. Stream setback requirements pertaining to stream type and order can be found in Table 6-2. Impact fees and boundary determination methods pertaining to stream width can be found in Table 9-5. Restoration/creation requirements in lieu of fees depend on stream type and can be found in Tables 5-16 and 5-17.

[e] See glossary (Appendix A) for definition of stream type and order.

Field-Verified Land Cover Map

Insert field-verified land cover map. The map should contain all land cover types present on-site. The map should be representative of an aerial photo. Identify all pages of the field-verified land cover map as **(Figure 3a). Please attach representative photos of the project site (Figure 3b).**

Please find attached Figure 3A, which depicts a field-verified land cover map of the Project, and Figure 3b, which depicts a representative photograph of the Project site.

Jurisdictional Wetlands and Waters

Jurisdictional wetlands and waters are defined on pages 1-18 and 1-19 of the Final HCP/NCCP as the following land cover types: permanent wetland, seasonal wetland, alkali wetland, aquatic, pond, slough/channel, and stream. (It should be noted that definitions of these features differ for state and federal jurisdictions.) If you have identified any of these land cover types to be present on the project site in Table 1, complete the section below.

Indicate agency that certified the wetland delineation:

☒ USACE, ☐ RWQCB, or ☐ the ECCC Habitat Conservancy.

☐ Wetland delineation is attached (Jurisdictional Determination)

Provide any additional information on Impacts to Jurisdictional Wetland and Waters below.

Below is a brief discussion of the findings from Preliminary Wetland Delineation Report for the Project (**Attachment B**). Padre assessed the Project site using the U.S. Army Corp of Engineer's *Interim Regional Supplement to the Corps of Engineers Wetland Delineations Manual: Arid West Region* (2006). The Preliminary Report will be sent with the RGP 1 application to be processed at the same time in an effort to expedite permitting.

Hydrophytic Vegetation. The two cover types identified within the project site include salt grass flats and ruderal areas. Below are descriptions of the plant communities identified at the project site.

Salt Grass Flats. This habitat type occurs within coastal salt marshes and inland habitats that include playas, swales, and terraces along washes. Soils are often deep and alkaline. Soils may have an impermeable layer making them poorly drained. According to Holland (1986) this herbaceous alliance is referred to as alkali meadow. Within this alliance saltgrass (*Distichlis spicata*) must make up more than 50 % of the relative cover (Keeler et al., 2009). Within the project site the two dominant plant species were saltgrass (FAC) at 70% and alkali heath (*Frankenia salina*) (FACW) at 15 percent. Other species present include Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) (FAC) and rye grass (*Festuca perennis*) (FAC). Based on the vegetation dominance at Sample Plot A, the site meets the hydrophytic vegetation parameter.

Ruderal Areas. Vegetation in this cover type consists of non-native herbaceous species that can be indicators of weedy wetlands or uplands. Vegetation within this cover type can include bristly ox-tongue (*Heminthotheca echioides*), curly dock (*Rumex crispus*), black mustard (*Brassica nigra*), geranium (*Geranium molle*), teasel (*Dipsacus fullonum*), and fennel.

Within the project site, the southern half supports ruderal habitat. Within Sample Plot B there is an 85 percent dominance of Italian thistle (*Carduus pycnocephalus*) (NL), 10 percent saltgrass (FAC), and 5 percent soft chess (*Bromus hordeaceus*) (FACU). Other

species present in the area within this cover type include wild oat (*Avena fatua*), bristly ox-tongue, and black mustard. Based on the dominance of Italian thistle, the southern portion of the site does not meet the hydrophytic vegetation parameter.

Hydric Soils. An examination of the local soil survey map (Soil Survey Staff, 2013) indicates that the project site contains one soil-mapping unit. This soil is Pescadaro Clay Loam, 0 to 2 percent slopes (Pb). Below outlines the characteristics of this soil mapping unit.

Pescadero Series. The soil mapping units within the Pescardero Series consist of very deep poorly drained soils that formed in alluvium from sedimentary Rocks. Pescadero soils are found in level basins at elevations of 5 to 100 feet. Permeability is very slow, and the available water table is at depths of 60 to 72 inches. Drainage is poor with some locations being ponded on concave slopes. Runoff is very slow. These soils are used mainly for livestock grazing. Some reclaimed areas are used for irrigated field, row crops and irrigated pasture. Commonly cultivated crops are sugarbeets, barley, alfalfa, corn and tomatoes. The vegetation is mainly saltgrass, pickleweed, annual grasses and forbs. Formerly, this soil was used primarily for growing row crops such as tomatoes, beans, and sugar beets, dry farmed to grain, or irrigated and dry farmed pasture. Within the project site, Pescadero Series contains the Pescadero Clay Loam, 0 to 2 percent slopes (Pb) mapping unit.

According to the Field Office Official List of Hydric Soil Map Units for Contra Costa County, California (Soil Survey Staff, 2013), this soil type is hydric when found on basin floors, like where it occurs on the project site.

Sample Plots. The two sample plots were located within the soil mapping unit described above. Transect 1 spanned from the ruderal cover type and transitioned down into the basin supporting a dominance of saltgrass. Sample plot 1A was positioned within the salt grass flat vegetative community adjacent to the survey staking. Sample Plot 1B was positioned near the transition zone above the basin and within the ruderal vegetative cover type. The soil colors observed at each of the sample plots were not similar, each having a different hue and values and chromas shifting slightly between wetland and upland sample plot locations. Colors were consistent with those identified for the mapping unit. The soil colors at 1A were indicative of hydric soils with a chroma of 1 and with over 20 percent redox features. The soil profile at 1A met the depleted matrix hydric soil indicator (F3). The soil color at 1B was not indicative of hydric soils with a chroma of 3 and approximately 12 percent redox features. The soil at 1B did not meet any hydric soil indicators.

Wetland Hydrology

Hydrology was observed at Sample Plot 1A but not at Sample Plot 1B. Hydrology indicators at 1A consisted of oxidized rhizospheres along living roots (C3) and drainage patterns (B10).

The project site and Dry Creek are not mapped as wetlands by the National Wetland Inventory (NWI). The detention basin west of the project site that Dry Creek flows from is defined as a palustrine, permanently flooded unconsolidated diked wetland. However, the detention basin was dry during both site visits in July and August. Water was present in Dry Creek at the time of field surveys. The northern half of the project site occurs within a depressional area adjacent to Dry Creek.

The soils onsite are hydric; however, due to the topography of the watershed ponding does not occur onsite. The project site is located within a topographically low area that drains into Dry Creek. A site visit after a recent rain in November 2013 indicated the project site did not contain any ponding. In comparison, vernal pools east of the project site (within detention basin) contained significant ponding due to the hydrology, topographical depressions, and possibly of the pools being reliant on the restrictive soil horizon or barrier.

FEDERAL JURISDICTION DETERMINATION

Wetlands/WoUS were identified at the repair location. All three parameters (hydrophytic vegetation, hydric soil and wetland hydrology) were met at Sample Plot 1A. The limits of the wetland were delineated and are depicted in Figure 2 of the Preliminary Report. On the basis of this delineation, the proposed project site contains approximately 0.005-acre of WoUS and wetlands. However, this delineation is preliminary and must be verified by the U.S. Army Corps of Engineers; therefore no jurisdictional delineation has been provided at this time.

Species-Specific Planning Survey Requirements

Based on the land cover types found on-site and identified in Table 1, check the applicable boxes in Table 2a then provide the results of the planning surveys below. In Table 3 check corresponding preconstruction survey or notification requirements that are triggered by the presence of particular landcover types or species habitat elements as identified in Table 2a. The species-specific planning survey requirements are described in more detail in Section 6.4.3 of the HCP/NCCP.

Table 2a. Species-Specific Planning Survey Requirements Triggered by Land Cover Types and Habitat Elements in the project area based on Chapter 6 of the Final HCP/NCCP.

Land Cover Type in the project area?	Species	Habitat Element in the project area?	**Planning Survey Requirement**
☒ Grasslands, oak savanna, agriculture, ruderal	San Joaquin kit fox	Assumed if within modeled range of species	Identify and map potential breeding and denning habitat and potential dens if within modeled range of species (see Appendix D of HCP/NCCP). (**Figure 4a**)
	Western burrowing owl	Assumed	Identify and map potential breeding habitat. (**Figure 4b**)

Land Cover Type in the project area?	Species	Habitat Element in the project area?	**Planning Survey Requirement**
☒ Aquatic (ponds, wetlands, streams, slough, channels, & marshes) **Note:** In Project Vicinity (>400 ft) not Project Area (<400 ft)	Giant garter snake	☐ Aquatic habitat accessible from San Joaquin River	Identify and map potential habitat.
	California tiger salamander	☒ Ponds and wetlands in grassland, oak savanna, oak woodland ☐ Vernal pools ☐ Reservoirs ☐ Small lakes	Identify and map potential breeding habitat. (**Figure 4c and 4d)** Document habitat quality and features. Provide Implementing Entity with photo-documentation and report.
	California red-legged frog	☐ Slow-moving streams, ponds, and wetlands	Identify and map potential breeding habitat. Document habitat quality and features. Provide Implementing Entity with photo-documentation and report.
☒ Seasonal wetlands **Project site not in breeding habitat**	Covered shrimp	☒ Vernal pools ☐ Sandstone rock outcrops ☐ Sandstone depressions	Identify and map potential breeding habitat. (**In comparison to the Project site - Figure 4e and 4f**)
Any	Townsend's big-eared bat	☐ Rock formations with caves ☐ Mines ☐ Abandoned buildings outside urban areas	Map and document potential breeding or roosting habitat.
	Swainson's hawk	☐ Potential nest sites (trees within species' range usually below 200')	Inspect large trees for presence of nest sites.
	Golden eagle	☐ Potential nest sites (secluded cliffs with overhanging ledges; large trees)	Document and map potential nests.

[a] Vernal pool fairy shrimp, vernal pool tadpole shrimp, longhorn fairy shrimp, and midvalley fairy shrimp.

Results of Species-Specific Planning Surveys Required in Table 2a

1. Describe the results of the planning survey conducted as required in Table 2a. Planning surveys will assess the location, quantity, and quality of suitable habitat for specified covered wildlife species on the project site. Covered species are assumed to occupy suitable habitat in impact areas and mitigation is based on assumption of take.

Planning surveys for the Project site were conducted to determine if San Joaquin kit fox, western burrowing owl, CTS, and any sensitive brachiopod species inhabiting the site or surrounding areas. Potential habitats for these species are presented in the following section as outlined in the HCP/NCCP's Table 6-1 summarizing the survey requirements and best management practices for covered wildlife species. Planning surveys were conducted for the Project site on July 23 and August 19, 2013 to assess potential habitat for wildlife species within the Project footprint.

The alkali wetland habitat is comprised mainly of saltgrass. The thick overlay of saltgrass can provide cover for California tiger salamanders (CTS). The Project site is approximately 60 feet from Dry Creek, which flows from a Contra Costa County detention basin and levee. This area is between two residential developments known as The Vineyards. Dry Creek contains typical emergent vegetation such as California bulrush (*Schoenoplectus californicus*) and broad-leaved cattail (*Typha latifolia*). The exact location of the dig site is vegetated with 70 percent saltgrass (*Distichlis spicata*). No disturbance from the Project will occur within the bed and/or bank of Dry Creek. Stock ponds are also present approximately 0.5 miles west of the Project site. Because these habitat features are present within and near the Project site, the presence of California tiger salamander (CTS) is presumed to be within the area. There are ten occurrences within one mile of the project site, with the last recorded occurrence taking place ten years ago in 2003 (CDFW, 2013). Most of the occurrences are presumably from surveys conducted for the Vineyards residential project. The likelihood of occurrence of CTS is moderate in the vicinity of the project; however, the likelihood is low that it occurs within the project limits.

Dry Creek is adjacent to the project site and does not offer breeding habitat and would only provide a migration corridor during the non-breeding season. Stock ponds and potential habitat lies within a half mile to the west. The species has the possibility to disperse or migrate from the stockponds to the vicinity of the project site. This dispersal and migration back to the ponds would take place from approximately during the last rains in spring to the first rains in late fall. The project is proposed to take place within the first quarter of 2014, when the species will be present at their breeding locations and likely outside of the Project site. Additionally, significant barriers such as Highway 4 to the east occur to prevent travel through migration. The barriers would make it extremely difficult for the species to disperse and return to the stockponds west of the site.

The project site was also assessed for vernal pools or potential vernal pool branchiopod habitat in the KLM-32 project site or in the adjacent area. The KLM-32 project site supports a seasonal alkali wetland feature dominated by saltgrass (*Disticlis spicata*). The

feature in its entirety is approximately 90 feet long by 8-15 feet wide and is immediately adjacent to and connected to Dry Creek. Based on observations of the local topography, the feature appears to be more of a swale that would convey moving water rather than a depressional feature that would pond water. The upper end of the swale is the location of the pipeline repair site, and the lower end of the swale is its confluence with Dry Creek. Based on surveys of this feature during the dry season, it appears that the topography of the swale slopes gently to the confluence with Dry Creek, and there is very little opportunity for water to become ponded and provide potential habitat for vernal pool branchiopods (VPBs). The soils may become saturated and support hydrophytic vegetation; however, it is unlikely to provide regularly inundated aquatic habitat for a period of time sufficient to support the life cycle of listed VPBs. In comparison, pools within a basin directly west of the project site have been observed to pond water following rain events. In addition, the KLM pipeline is buried approximately 4 to 6 feet underground at this location, and any impervious surface previously existing in this area and contributing to surface ponding would have been disturbed during construction of the pipeline and is no longer intact. Additionally, the swale is densely vegetated with saltgrass, not typical of habitat supporting listed VPBs. Based on these field observations, it appears that in a normal rain year, the wetland swale would not support anything wetter than saturated soil conditions. Furthermore, Dry Creek has flowing water and would not be considered potential VPB habitat.

Although vernal pools are within the project vicinity (within a mile) and critical habitat for vernal pool fairy shrimp (*Branchinecta lynchi*) (VPFS) is located approximately 0.5 miles from the site, the nearest vernal pools and potential VPFS habitat is west of the PIM dig site on the other side of the impoundment (earthen dam) greater than 300 feet from the repair site (**Figures 4e and 4f**). Project activities will not indirectly impact potential VPFS habitat by disturbing impervious layers or altering the hydrology of vernal pools due to the presence of the dam between the dig site and nearest potential habitat and the distance of the dig site from the nearest vernal pool habitat (>300 feet).

The ruderal vegetative cover can provide potential habitat to TES species such as the San Joaquin kit fox (*Vulpes macrotis mutica*) and the Western burrowing owl (*Athene cunicularia hypugaea*). The Project Site is located in an alkali (saltgrass) wetland habitat that would not be potential burrowing and/or denning habitat for these species. However, the surrounding area consists of ruderal habitat that is comprised of agriculture (vineyards), development, and open grasslands.

Surveys that were conducted for the Project, also focused on the presence/absence of San Joaquin kit fox and western burrowing owls within and near to the site. No signs (fur, feathers, dens, burrows, white wash, scat, prey remains, etc.) and/or direct observations of either of these species occurred during the surveys of the Project site. Although the site occurs within the historical range of the San Joaquin kit fox, populations of kit fox are suggested to be extremely low and/or absent in the northern ranges (USFWS, 2010); therefore, the probability of kit fox occurring in the area is unlikely. In addition, the site contained ruderal habitat that was composed mostly of weeds that were relatively high in stature, which is typically habitat that kit fox, as well as burrowing owls avoid due to the risk of predation from low visibility of approaching predators. The San Joaquin kit fox usually prefer areas that have been characterized by

sparse or absent shrub cover, sparse ground cover, and short vegetative structure (Cypher, 2006). A recent occurrence for the burrowing owl (CDFW, 2013) was recorded approximately one mile north of the project site in 2012. No burrowing owls, signs of (i.e. pellets, white wash, feathers, etc.), or burrows were observed during the field surveys.

2. Reference and attach the Planning Survey Species Habitat Maps as required in Table 2a (Figure 4).

Please see Figures 4a through 4f which depicts the Planning Survey Species Habitat Map for San Joaquin kit fox, Western burrowing owl, CTS and sensitive brachiopod species.

Covered and No-Take Plants

On suitable land cover types, surveys for covered and no-take plants must be conducted using approved CDFG/USFWS methods during the appropriate season to identify any covered or no-take plant species that may occur on the site (see page 6-9 of the Final HCP/NCCP). Based on the land cover types found in the project area and identified in Table 1, check the applicable boxes in Table 2b and provide a summary of survey results as required below. If any no-take plants are found in the project area, the provisions of Conservation Measure 1.11 must be followed (see *Avoidance and Minimization Measures* below).

Table 2b. Covered and No-Take Plant Species, Typical Habitat Conditions, and Typical Blooming Periods

Land Cover Type in the project area?	Plant Species	Covered (C) or No-Take (N)?	Typical Habitat or Physical Conditions, if Known	Typical Blooming Period[a]
☐ Oak savanna	Diablo Helianthella (*Helianthella castanea*)	C	Elevation above 650 feet[b]	Mar–Jun
	Mount Diablo fairy-lantern (*Calochortus pulchellus*)	C	Elevation between 650 and 2,600 feet[b]	Apr–Jun
☐ Oak woodland	Brewer's dwarf flax (*Hesperolinon breweri*)	C		May–Jul
	Diablo Helianthella (*Helianthella castanea*)	C	Elevation above 650 feet[b]	Mar–Jun
	Mount Diablo fairy-lantern (*Calochortus pulchellus*)	C	Elevation between 650 and 2,600 feet[b]	Apr–Jun
	Showy madia (*Madia radiata*)	C		Mar–May

Land Cover Type in the project area?	Plant Species	Covered (C) or No-Take (N)?	Typical Habitat or Physical Conditions, if Known	Typical Blooming Period[a]
☐ Chaparral and scrub	Brewer's dwarf flax (*Hesperolinon breweri*)	C		May–Jul
	Diablo Helianthella (*Helianthella castanea*)	C	Elevation above 650 feet[b]	Mar–Jun
	Mount Diablo buckwheat (*Eriogonum truncatum*)	N		Apr–Sep; uncommonly Nov–Dec.
	Mount Diablo fairy-lantern (*Calochortus pulchellus*)	C	Elevation between 650 and 2,600 feet[b]	Apr–Jun
	Mount Diablo Manzanita (*Arctostaphylos auriculata*)	C	Elevation between 700 and 1,860 feet; restricted to the eastern and northern flanks of Mt. Diablo[b]	Jan–Mar
☐ Alkali grassland	Brittlescale (*Atriplex depressa*)	C	Restricted to soils of the Pescadero or Solano soil series; generally found in southeastern region of plan area[b]	May–Oct
	Caper-fruited tropidocarpum (*Tropidocarpum capparideum)*	N		Mar-Apr
	Contra Costa goldfields (*Lasthenia conjugens*)	N	Generally found in vernal pools	Mar–Jun
	Recurved larkspur (*Delphinium recurvatum*)	C		Mar–Jun
	San Joaquin spearscale (*Atriplex joaquiniana*)	C		Apr-Oct
☒ Alkali wetland	Alkali milkvetch (*Astragalus tener* ssp. *tener*)	N		Mar–Jun
	Brittlescale (*Atriplex depressa*)	C	Restricted to soils of the Pescadero or Solano soil series; generally found in southeastern region of plan area[b]	May–Oct

Land Cover Type in the project area?	Plant Species	Covered (C) or No-Take (N)?	Typical Habitat or Physical Conditions, if Known	Typical Blooming Period[a]
	San Joaquin spearscale (*Atriplex joaquiniana*)	C		Apr–Oct
☐ Annual grassland	Alkali milkvetch (*Astragalus tener* ssp. *tener*)	N		Mar–Jun
	Big tarplant (*Blepharizonia plumosa*)	C	Elevation below 1500 feet[b]	Jul–Oct
	Brewer's dwarf flax (*Hesperolinon breweri*)	C	Restricted to grassland areas within a 500+ buffer from oak woodland and chaparral/scrub[b]	May–Jul
	Contra Costa goldfields (*Lasthenia conjugens*)	N	Generally found in vernal pools	Mar–Jun
	Diamond-petaled poppy (*Eschscholzia rhombipetala*)	N		Mar–Apr
	Large-flowered fiddleneck (*Amsinckia grandiflora*)	N		Apr–May
	Mount Diablo buckwheat (*Eriogonum truncatum*)	N		Apr–Sep; uncommonly Nov–Dec
	Mount Diablo fairy-lantern (*Calochortus pulchellus*)	C	Elevation between 650 and 2,600[b]	Apr–Jun
	Round-leaved filaree (*California macrophylla*)[1]	C		Mar–May
	Showy madia (*Madia radiata*)	C		Mar–May
☐ Seasonal wetland	Adobe navarretia (*Navarretia nigelliformis* ssp. *nigelliformis*)	C	Generally found in vernal pools[b]	Apr–Jun
	Alkali milkvetch (*Astragalus tener* sp. *tener*)	N		Mar–Jun
	Contra Costa goldfields (*Lasthenia conjugens*)	N	Generally found in vernal pools	Mar–Jun

Land Cover Type in the project area?	Plant Species	Covered (C) or No-Take (N)?	Typical Habitat or Physical Conditions, if Known	Typical Blooming Period[a]

[a] From California Native Plant Society. 2007. *Inventory of Rare and Endangered Plants* (online edition, v7-07d). Sacramento, CA. Species may be identifiable outside of the typical blooming period; a professional botanist shall determine if a covered or no take plant occurs on the project site.

[b] See Species Profiles in Appendix D of the Final HCP/NCCP.

Results of Covered and No-Take Plant Species Planning Surveys Required in Table 2b

Describe the results of the planning survey conducted as required in Table 2b. Describe the methods used to survey the site for all covered and no-take plants, including the dates and times of all survey's conducted (see Tables 3-8 and 6-5 of the HCP/NCCP for covered and no-take plants). In order to complete all the necessary covered and no-take plant surveys, both spring and fall surveys are required, check species survey requirements below.

If any covered or no-take plants were found, include the following information in the results summary:

- Description and number of occurrences and their rough population size.
- Description of the "health" of each occurrence, as defined on pages 5-49 and 5-50 of the HCP/NCCP.
- A map of all the occurrences.
- Justification of surveying time window, if outside of the plant's blooming period.
- The CNDDB form(s) submitted to CDFG (if this is a new occurrence).
- A description of the anticipated impacts that the covered activity will have on the occurrence and/or how the project will avoid impacts to all covered and no-take plant species. All projects must demonstrate avoidance of all six no-take plants (see table 6-5 of the HCP/NCCP).

Though habitats suitable for covered and no-take plant species were identified during the planning surveys (which included two visits in July and August 2013), none of the covered or no-take plant species were observed (see table below). Three covered and/or no-take plant species have the potential to occur within alkali wetlands. The surveys were conducted during the typical blooming periods of brittlescale (*Atriplex depressa*) and San Joaquin spearscale (*Atriplex joaquiniana*). Neither of these plant species were observed during the planning surveys. The planning surveys did not occur within the typical blooming periods of alkali milkvetch (*Astragalus tener* ssp*. tener*).

Although surveys occurred outside of the typical blooming period for alkali milkvetch, it is unlikely this plant species would occur within the Project footprint due to the lack of suitable habitat (i.e. vernal pools, soil types, etc) (see table below). Alkali milkvetch

typically occurs within grassland habitats with Adobe clay series soils, playas, and vernal pools with alkaline soils at elevations less than 60 meters (CNPS, 2013). No vernal pools were present within the site and adobe clay series soils were not found within the site. Pescadero series soils are present within the site, which is a clay soil that differs in characteristics from adobe clay series soils. If alkali milkvetch had been present during the time of the surveys, although not during its blooming period, this plant or parts of it would have likely been observed during its senescence period. If a plant had been observed during its senescence (dry, desiccated) phase, the plant could still be keyed out to at least its genus; however, no plants within the *Astragalus* genus were observed within or near the Project site. The project site also exhibits a low amount of plant diversity; therefore, specific plant species would be noticeable. Although unlikely to occur on the Project site, sensitive plant species will be surveyed for during restoration and monitoring phases of the Project during the appropriate blooming periods.

Special-Status Plant species with the Potential to Occur within/near the Project Site.

Scientific Name	Common Name	Flowering Period	Habitat	Probability of Occurrence
Astragalus tener ssp. *tener*	Alkali milkvetch	Mar–Jun	Vernal pools with alkaline soils, playas, and valley/foothill grasslands with adobe clay soils less than 60 meters	Not likely to occur, the nearest CNDDB occurrence is seven miles away; no vernal pools present within the Site, salt grass wetland within the site does not contain Adobe clay soils. However, since the project will be conducted in March, a survey for this species will be conducted to determine presence/absence.
Atriplex depressa	Brittlescale	Apr–Oct	Playas, chenopod scrub, meadows and seeps, valley and foothill grassland, vernal pools, alkaline or clay soils less than 320 meters	Not likely to occur, none were observed during two surveys in the blooming periods
Atriplex joaquiniana	San Joaquin spearscale	Apr–Oct	Shadescale crub, valley grassland, meadows less than 300 meters	Not likely to occur, none were observed during two surveys in the blooming periods

Avoidance Measures for Special-Status Plant Species

Rare plant surveys will be conducted in March of 2014 during the appropriate blooming season for Alkali milkvetch. The rare plant survey will assess the repair site and a buffer around the repair site. The results of the surveys will be documented in a rare plant survey report to be submitted to the Conservancy in conjunction with the Construction Monitoring Plan. If special-status plant species are identified in the project area, the applicant will be required to meet and confer with Conservancy staff to develop and implement a suitable plan to address Conservation Measure 3.10 "Plant Salvage when Impacts are Unavoidable," Section 6.31. "Covered and No-Take Plants," and Table 5-20 "Protection Requirements for Covered Plants" in the HCP/NCCP as well as be required to comply with several additional measures to avoid and minimize impacts in order to ensure that this species is protected.

III. Species-Specific Monitoring and Avoidance Requirements

This section discusses subsequent actions that are necessary to ensure project compliance with Plan requirements. Survey requirements and Best Management Practices pertaining to selected covered wildlife species are detailed in Section 6.4.3, *Species-Level Measures*, beginning on page 6-36 of the Final HCP/NCCP.

Preconstruction Surveys for Selected Covered Wildlife

If habitat for selected covered wildlife species identified in Table 2a was found to be present in the project area. In Table 3, identify the species for which preconstruction surveys or notifications are required based on the results of the planning surveys. Identify whether a condition of approval has been inserted into the development contract to address this requirement.

Table 3. Applicable Preconstruction Survey and Notification Requirements based on Land Cover Types and Habitat Elements Identified in Table 2a.

Species	Preconstruction Survey and Notification Requirements
☐ None	
☒ San Joaquin kit fox (p. 6-38)	Map all dens (>5 in. diameter) and determine status. Determine if breeding or denning foxes are in the project area. Provide written preconstruction survey results to FWS within 5 working days after surveying.
☒ Western burrowing owl (p. 6-40)	Map all burrows and determine status. Document use of habitat (e.g. breeding, foraging) in/near disturbance area (within 500 ft.)
☐ Giant garter snake (p. 6-44)	Delineate aquatic habitat up to 200 ft. from water's edge. Document any sightings of garter snake.
☐ California tiger	Provide written notification to USFWS and CDFG regarding

salamander (p. 6-46) (notification only)	timing of construction and likelihood of occurrence in the project area. (**Project Site not in breeding habitat**)
☐ California red-legged frog (p. 6-47) (notification only)	Provide written notification to USFWS and CDFG regarding timing of construction and likelihood of occurrence in the project area.
☒ Covered shrimp species (p. 6-47)	Document and evaluate use of all habitat features (e.g., vernal pools, rock outcrops). (**No habitat present within Project Site- Additional Measures to be implemented, see below**) Document occurrences of covered shrimp.
☐ Townsend's big-eared bat (p. 6-37)	Determine if site is occupied or shows signs of recent occupation (guano).
☐ Swainson's hawk (p. 6-42)	Determine whether nests are occupied.
☐ Golden eagle (p. 6-39)	Determine whether nests are occupied.
Note: Page numbers refer to the HCP/NCCP.	

Preconstruction Surveys as Required for Selected Covered Wildlife in Table 3

Describe the preconstruction survey's or notification conditions applicable to any species checked in Table 3. All preconstruction surveys shall be conducted in accordance with the requirements set forth in Section 6.4.3, *Species-Level Measures*, and Table 6-1 of the HCP/NCCP**.**

The Project will not be impacting actual breeding habitat but the concern is regarding the dispersal of CTS in the area and the HCP/NCCP minimization measure for CTS only requires notification if breeding habitat will be impacted. There are ten occurrences within one mile of the project site, with the last recorded occurrence taking place ten years ago in 2003 (CDFW, 2013). Most of the occurrences are presumably from surveys conducted for the *Vineyards* residential project. The likelihood of occurrence of CTS is moderate in the vicinity of the project; however, the likelihood is low that it occurs within the project footprint. Dry Creek adjacent to the project site does not offer breeding habitat and would only provide a migration corridor during the non-breeding season. Stock ponds and potential habitat lies within a half mile to the west; however, CTS dispersal is limited due to major roads, highways, and development in the area.

Preconstruction surveys will be required for San Joaquin kit fox and western burrowing owls and will be conducted by a USFWS/CDFW approved biologist prior to any ground disturbance in areas identified as suitable habitat for the species.

San Joaquin kit fox

Preconstruction surveys will take place no more than the 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. The status of all dens will be determined and mapped. Written results of preconstruction surveys will be

submitted to USFWS within five working days after survey completion and before the start of ground disturbance.

Western burrowing owl

On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys will take place near sunrise or sunset, in accordance with CDFW guidelines. All burrows or burrowing owls will be identified and mapped. Surveys will take place no more than 30 days prior to construction. Surveys conducted during the breeding season (February 1-August 31) will document whether the burrowing owls are nesting in or directly adjacent to disturbance areas. Surveys conducted in the nonbreeding season (September 1-January 31) will document whether burrowing owls are using habitat in or directly adjacent to any disturbance area.

Covered Shrimp:

Because of the limited field surveys conducted only during the dry season, and the current drought conditions limiting wet season observation and data collection, the U.S. Fish and Wildlife Service (USFWS) and the East Contra Costa County Habitat Conservancy (ECCCHC) have expressed concern regarding the lack of supporting evidence that the feature does not provide potential habitat for listed VPBs (covered shrimp). Due to the urgency of pipeline repair, and in an effort to move forward with project approval while satisfying the need for additional supporting information, the applicant is proposing to provide additional evidence that the site does not provide suitable habitat for listed VPBs after project approval but prior to initiating construction. Collection of additional data will be coordinated with the USFWS and Conservancy to confirm that it satisfies the request for additional information to support a non-suitable habitat conclusion.

The additional data may include one or more of the following:

1. Chevron will continue to monitor hydrology at the site through the wet season to compare against inundation at a regionally appropriate reference site of known or suitable VPB habitat.

2. In the absence of sufficient rainfall to document site hydrology and inundation of reference sites, the applicant could conduct a survey to document topography of the feature and relative depths of a transect spanning the length of the feature to support a conclusion that the feature is not an enclosed depression but rather a swale that would convey water to the connection point with Dry Creek. This information would include slope, channel distance, and substrate features.

Chevron shall submit a summary report to the Conservancy and USFWS providing the results of the hydrology survey's or topography study measures prior to the start of

construction. If the hydrology survey or topography study identify that suitable habitat for covered shrimp is likely in the repair area, the applicant will be required to meet and confer with Conservancy staff to develop and implement a suitable plan to address the avoidance and minimization requirements and Conservation Measure 3.8 in the HCP/NCCP, as necessary.

The applicant has prepared and will implement a 5 year post-project performance monitoring plan in order to demonstrate that the wetland has fully recovered from the impacts. The plan outlines the performance criteria and will document post project performance which will be used to determine if by year 5 the site has at minimum been restored to pre-project conditions.

Construction Monitoring & Avoidance and Minimization Measures for Selected Covered Species

If preconstruction surveys for key covered wildlife species establish the presence of any such species, construction monitoring will be necessary. In Table 4, check the boxes for the species that will be assessed during the preconstruction surveys (see Table 3). A summary of the construction monitoring requirements for each species is provided in Table 4 and these measures must be implemented in the event that preconstruction surveys described in Table 3 detect the covered species. A summary of avoidance measures is also provided in Table 4 and these measures must be implemented if construction monitoring detects the species or its sign. These construction monitoring and avoidance requirements are described in detail in Section 6.4.3, Species-Level Measures, of the Final HCP/NCCP.

Construction Monitoring Plan Requirements in Section 6.3.3, Construction Monitoring, of the Final HCP/NCCP:

☒ **Before implementing a covered activity, the applicant will develop and submit a construction-monitoring plan to the Implementing Entity[4] for approval.**

Table 4. Applicable Construction Monitoring Requirements

Species Assessed by Preconstruction Surveys	Monitoring Action Required if Species Detected
☐ None	N/A
☒ San Joaquin kit fox (p. 6-38)	Establish exclusion zones (>50 ft) for potential dens. Establish exclusion zones (>100 ft) for known dens. Notify USFWS of occupied natal dens.
☒ Western burrowing owl (p. 6-40)	Establish buffer zones (250 ft) around nests. Establish buffer zones (160 ft) around burrows.

[4] The East Contra Costa County Habitat Conservancy and the local land use Jurisdiction must review and approve the plan **prior** to the commencement of all covered activities (i.e. construction).

Species Assessed by Preconstruction Surveys	Monitoring Action Required if Species Detected
☐ Giant garter snake (p. 6-44)	Delineate 200-ft buffer around potential habitat. Provide field report on monitoring efforts. Stop construction activities if snake is encountered; allow snake to passively relocate. Remove temporary fill or debris from construction site. Mandatory training for construction personnel.
☒ Covered shrimp species (p. 6-47)	Establish buffer around outer edge of all hydric vegetation associated with habitat (50 feet of limit of immediate watershed supporting the wetland, whichever is larger). Mandatory training for construction personnel.
☐ Swainson's hawk (p. 6-42)	Establish 1,000-ft buffer around active nest and monitor compliance.
☐ Golden eagle (p. 6-39)	Establish 0.5-mile buffer around active nest and monitor compliance.

Construction Monitoring & Avoidance and Minimization Measures as Required for Selected Covered Wildlife in Table 4

Describe the construction monitoring and avoidance and minimization measures applicable to any species checked in Table 4. A summary of avoidance measures is provided in Table 4, these measures must be implemented if construction monitoring detects the presence of the species. The construction monitoring & avoidance and minimization measures requirements are described in detail in Section 6.4.3, Species-Level Measures, of the HCP/NCCP.

San Joaquin kit fox

Construction monitoring

If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No covered activities will occur within the exclusion zones. Exclusion zone radii for potential dens will be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

Avoidance and Minimization Measures

- If a San Joaquin kit fox den is discovered in the proposed development footprint, the den will be monitored for three days by a USFWS/CDFW approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.

- Unoccupied dens should be destroyed immediately to prevent subsequent use.

- If a natal or pupping den is found, USFWS and CDFW will be notified immediately. The den will not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.

- If kit fox activity is observed at the den during the initial monitoring period, the den will be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied, it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).

Western burrowing owl

Avoidance and Minimization Measures and Construction Monitoring

If burrowing owls are found during the breeding season (February 1-August 31), CPL will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1-January 31), CPL will avoid the owls and the burrows they are using, if possible. Avoidance will include the establishment of a buffer zone.

If occupied burrows for burrowing owls are not avoided, passive relocation will be implemented. Owls will be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors will be in place for 48 hours prior to excavation. The project area will be monitored daily for one week to confirm that the owl has abandoned the burrow. Whenever possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure will be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

Although CTS is not listed in Table 4 and the Project is not in actual breeding habitat, CPL will still be implementing the following avoidance and minimization to avoid or reduce the take of CTS in a dispersal area. These measures are not required by the HCP/NCCP, but will be implemented in addition to the construction monitoring and avoidance minimization measures required by the HCP/NCCP.

- All CPL employees and contractors involved with the project will be required to attend a threatened and endangered species education program developed by biologists, focusing on the four federally protected species. All employees and contractors will receive formal training prior to working on site. At a minimum, the program will cover species distribution, identification characteristics, sensitivity to

human activities, legal protection, penalties for violation of state and federal laws, reporting requirements, and project mitigation measures.

- Because of the proximity to California tiger salamander historical occurrences, presumably within stockponds west of the project site, construction will take place in the first quarter (January-March) of 2014, when salamanders will be least likely to occur within or adjacent to the project site.
- A pre-construction survey will be conducted by a qualified biologist immediately prior to the start of construction.
- A qualified biological monitor will be on site during all ground-disturbing activities. The monitor will inform the construction foreman of the need to halt construction in the event a listed species is observed. In addition, prior to construction activities each day, a qualified biological monitor shall inspect excavations to ensure absence of any species within the excavation.
- If a CTS is encountered during project construction, all construction activities in the immediate area will cease until the animal is removed and relocated by a Service-approved biologist to suitable habitat outside the work area.
- Nets or bare hands may be used to capture CTS. Service-approved biologists will not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within two hours prior to and during periods when they are capturing and relocating those species. To avoid transferring disease or pathogens between aquatic habitats during the course of surveys or handling of tiger salamanders, Service-approved biologists will follow the protocols specified in *Declining Amphibian Populations Task Force's "Code of Practice*" (undated). Service-approved biologists will limit the duration of handling and captivity of tiger salamanders. While in captivity, individuals of these species will be kept in a cool, moist, aerated environment, such as a bucket containing a damp sponge. Containers used for holding or transporting adults of these species will not contain any standing water.
- Trenches will be covered or have escape ramps installed overnight to prevent unintentional entrapment of wildlife.

Covered shrimp

Construction monitoring

If suitable habitat for covered shrimp will be retained on site, construction personnel will be trained to avoid affecting shrimp. A qualified biologist approved by USFWS will inform all construction personnel about the life history of covered shrimp, the importance of avoiding their habitat, and the terms and conditions of the HCP/NCCP related to avoiding and minimizing impacts on covered shrimp.

Avoidance and minimization measures

Filling of seasonal wetlands, if unavoidable, will be delayed until the pools are dry and samples from the top 4 inches of wetland soils are collected. Soil collection will be sufficient to include a representative sample of plant and animal life present in the

wetland by incorporating seeds, cysts, eggs, spores, and similar inocula. The amount of soil collected will be determined by the size of the wetland filled and the variation in physical and biological conditions within the wetland. The number and size of samples will be sufficient to capture this variation. For very small wetlands it may be most cost effective to simply collect all topsoil. These samples will be provided to the HCP/NCCP application review agency so that the soil can be translocated to suitable habitat within the inventory area unoccupied by covered shrimp or used to inoculate newly created seasonal wetlands on preserve lands.

Seasonal wetlands occupied by covered shrimp that are filled will be offset by preserving or acquiring seasonal wetlands occupied by the covered shrimp species and restoring habitat suitable for the covered shrimp species in accordance with Conservation Measure 3.8 of the HCP/NCCP. Such mitigation will supersede requirements for mitigation of impacts on wetland habitat when covered species are present.

IV. Landscape and Natural Community-Level Avoidance and Minimization Measures

Describe relevant avoidance and minimization measures required to address the conservation measures listed below. If a conservation measure is not relevant to the project, explain why.

For All Projects

HCP/NCCP Conservation Measure 1.10. Maintain Hydrologic Conditions and Minimize Erosion

Briefly describe how the project complies with this measure. See page 6-21 of the Final HCP/NCCP for details.

This measure is not applicable to the Project. The Project is for the maintenance of an existing structure and no new development will occur. No sensitive fish populations occur in the survey area and Dry Creek will not be impacted by the Project. BMPs for erosion control such as the use of silt fencing and covering of stockpiles, will be implemented to avoid increased turbidity and sedimentation in nearby waterways at the repair site.

HCP/NCCP Conservation Measure 1.11. Avoid Direct Impacts on Extremely Rare Plants, Fully Protected Wildlife Species, or Covered Migratory Birds

Briefly describe how the project complies with this measure. See page 6-23 of the Final HCP/NCCP for details.

During the planning surveys, two covered plant species were found to be absent from the Project footprint area and the surrounding area. One no-take species

(alkali milkvetch) is not expected to occur in the Project site. If alkali milkvetch is found during a pre-construction survey immediately prior to the onset of work, all direct and indirect impacts will be avoided. Botanical surveys for alkali milkvetch will be conducted during the correct blooming period following construction, during the monitoring phase, to assure no individuals were present in the area.

The surveys also found no suitable nesting habitat for white-tailed kite, peregrine falcon, golden eagle, and habitat for ringtail. Project activities will avoid any take of fully protected wildlife species as defined under the California Fish and Game Code.

For Projects on or adjacent to Streams or Wetlands

HCP/NCCP Conservation Measure 1.7. Establish Stream Setbacks

Briefly describe how the project complies with this measure. See page 6-15 and Table 6-2 of the Final HCP/NCCP for details. For questions on the stream setback requirements, please contact the Conservancy.

This measure is not applicable to this Project.

HCP/NCCP Conservation Measure 2.12. Wetland, Pond, and Stream Avoidance and Minimization

Briefly describe how the project complies with this measure. See page 6-33 of the Final HCP/NCCP for details.

The Project would result in 0.005 acre of temporary disturbance of potential jurisdictional alkali wetland (Figure 2 of the Preliminary Wetland Delineation Report, Padre 2013). An application has been prepared for the US Army Corps of Engineers to obtain authorization under the Regional General Permit 1 for these impacts to waters of the US. In addition, the following avoidance and minimization measures will be implemented:

- The nearby creek (Dry Creek) and all wetlands to be avoided and will be temporarily staked in the field by a qualified biologist to delineate the area from the work zone.
- Personnel conducting ground-disturbing activities within or adjacent to the buffer zones of wetlands, ponds, streams, or etc. will be trained by a qualified biologist in the avoidance and minimization measures and the permit obligations of CPL under the HCP/NCCP.
- No effects of urban development on downstream hydrology, streams, or wetland would result from this project.

- Spoil piles will be placed on the disturbed impact area of the ruderal habitat or within a dumptruck, further reducing any impacts from loose soils being left (during construction activities) on site in the wetland area.
- Fencing will be erected around the outer edge of the project footprint. The fencing will be temporary and removed after construction activities have been completed.
- Trash and food items will be kept in closed containers and removed daily to prevent attracting wildlife to the site. Trash generated by covered activities will be promptly and properly removed from the site.
- Vehicles and equipment will be parked on pavement, exiting roads, and previously disturbed areas.
- Construction vehicles and equipment will be repaired and refueled a minimum of 100 feet from wetlands to the maximum extent feasible. If refueling or repairing equipment or vehicles in or within close proximity to wetlands is unavoidable, appropriate secondary spill containment will be used to prevent spills in sensitive habitats.
- Any spills of hazardous materials in sensitive habitat will be immediately cleaned up and removed.
- Standard best management practices, such as the use of silt fencing and covering of stockpiles, will be implemented to avoid increased turbidity and sedimentation in nearby waterways at the repair site.

Because this project would result in the filling of less than 3.0 acres of jurisdictional wetlands and waters, additional avoidance analysis beyond that in the HCP/NCCP is not necessary, as per Conservation Measure 2.12 of the HCP/NCCP.

For Projects adjacent to Protected Natural Lands (existing and projected)

Covered activities adjacent to permanently protected natural lands will require a variety of special considerations to address issues associated with characteristics of the urban-wildland interface. These considerations are intended to minimize the impacts of development on the integrity of habitat preserved and protected under the terms of the Plan. Permanently protected natural lands are defined as any of the following (see the latest Preserve System map on the Conservancy web site, www.cocohcp.org).

- Publicly owned open space with substantial natural land cover types including but not limited to state and regional parks and preserves and public watershed lands (local and urban neighborhood parks are excluded).
- Deed-restricted private conservation easements.
- HCP/NCCP Preserve System lands.
- Potential HCP/NCCP Preserve System lands (see Figure 5-3 in the HCP/NCCP).

HCP/NCCP Conservation Measure 1.6. Minimize Development Footprint Adjacent to Open Space

Briefly describe how the project complies with this measure. See page 6-14 of the Final HCP/NCCP for details.

The project is not adjacent to HCP/NCCP preserves and will temporarily impact a total of 0.03 acre of land.

HCP/NCCP Conservation Measure 1.8. Establish Fuel Management Buffer to Protect Preserves and Property

Briefly describe how the project complies with this measure. See page 6-18 of the Final HCP/NCCP for details.

This measure is not applicable to this Project.

HCP/NCCP Conservation Measure 1.9. Incorporate Urban-Wildland Interface Design Elements

Briefly describe how the project complies with this measure. See page 6-20 of the Final HCP/NCCP for details.

This measure is not applicable to this Project.

For Rural Infrastructure Projects

Rural infrastructure projects provide infrastructure that supports urban development within the urban development area. Such projects are divided into three categories: transportation projects, flood protection projects, and utility projects. Most rural road projects covered by the Plan will be led by Contra Costa County. All flood protection projects covered by the Plan will be led by the County Flood Control District. Utility projects will likely be led by the private companies that own the utility lines. A complete discussion of rural infrastructure projects is presented in Section 2.3.2 of the Final HCP/NCCP beginning on page 2-18.

HCP/NCCP Conservation Measure 1.12. Implement Best Management Practices for Rural Road Maintenance

Briefly describe how the project complies with this measure. See page 6-25 of the Final HCP/NCCP for details.

This measure is not applicable to this Project.

HCP/NCCP Conservation Measure 1.13. Implement Best Management Practices for Flood Control Facility Maintenance

Briefly describe how the project complies with this measure. See page 6-26 of the Final HCP/NCCP for details.

This measure is not applicable to this Project.

HCP/NCCP Conservation Measure 1.14. Design Requirements for Covered Roads outside the Urban Development Area

Briefly describe how the project complies with this measure. See page 6-27 of the Final HCP/NCCP for details.

This measure is not applicable to this Project.

V. Mitigation Measures

Complete and Attach Exhibit 1 (Permanent Impact Fees) and/or Exhibit 2 (Temporary Impact Fees) Fee Calculator(s) for Permanent and Temporary Impacts.

- Briefly describe the amount of fees to be paid and when.
- See Section 9.3.1 of the HCP/NCCP for details. If land is to be dedicated in lieu of fees or if restoration or creation of jurisdictional wetlands or waters is to be performed in lieu of fees, summarize these actions here and attach written evidence that the Conservancy has approved these actions in lieu of fees.

The HCP/NCCP Fee Calculator has been included with this Planning Survey Report. As is shown in the Fee Calculator, a fee of $1,652.67 is due for temporary impacts to 0.03 acre of land within HCP/NCCP Development Fee Zone II. This fee shall be paid upon receipt of all project approvals and permits.

Attachments:

Exhibit 1: Fee Calculator

Attachment A: Restoration and Monitoring Plan for Chevron Pipe Line's KLM 32 PIM Repair Project

Attachment B: Preliminary Wetland Delineation Report for Chevron Pipe Line's KLM 32 PIM Repair Project

Figures:

Figures 1a: Site Location Map

Figure 1b: Aerial Site Location Map

Figure 2a: Project Site Plan

Figure 2b: Detail Project Site Plan

Figure 3a: Land Cover Map

Figure 3b: Site Photographs

Figures 4a through 4f: Planning Survey Species Habitat Maps for San Joaquin kit fox, western burrowing owl, California tiger salamander, and sensitive branchiopod species

References:

California Department of Fish and Wildlife. 2013. California Natural Diversity Database (CNDDB) RAREFIND-4 Query for Brentwood 7.5-minute quadrangles. California Department of Fish and Game. Sacramento, CA. Data accessed February, 2013.

California Native Plant Society. 2013. Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society, Sacramento, CA. Accessed on November 2013 at <http://northcoastcnps.org/cgi-bin/inv/inventory.cgi>

Cypher, B.L. 2006. Kit Fox Conservation in the San Luis Drainage Study Unit. Unpublished Report to the US Bureau of Reclamation South-Central California Area Office. California State University, Stanislaus, Endangered Species Recovery Program. Fresno, CA.

Soil Survey Staff. 2013. Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions. Accessed on September 2013 at <http://soils.usda.gov/technical/classification/osd/index.html>

US Fish and Wildlife Service (USFWS). 2010. 5-year Review of the San Joaquin Kit Fox. Sacramento, CA.

Exhibit 1: HCP/NCCP FEE CALCULATOR WORKSHEET

PROJECT APPLICANT INFO:

Project Applicant: Chevron Pipe Line Company

Project Name: Chevron Pipe Line's KLM 32 PIM Repair Project - US DOT Required

APN (s): 007-440-018-5

Date: Februray 2014 Jurisdiction: East Contra Costa County Habitat Conservancy

DEVELOPMENT FEE (see appropriate ordinance or HCP/NCCP Figure 9-1 to determine Fee Zone)

	Acreage of land to be permanently disturbed (from Table 1)[1]		Fee per Acre (subject to change on 3/15/14[2])		
	Full Development Fee				
Fee Zone 1		x	$10,924.14	=	$0.00
Fee Zone 2	0.03	x	$21,848.28	=	$699.15
Fee Zone 3		x	$5,462.53	=	$0.00
Fee Zone 4[3]		x	$16,386.21	=	$0.00
			Development Fee Total	=	**$699.15**

****WETLAND MITIGATION FEE**	Acreage of wetland		Fee per Acre (subject to change on 3/15/14[2])		
Riparian woodland / scrub		x	$67,938.39	=	$0.00
Perennial Wetland		x	$92,968.32	=	$0.00
Seasonal Wetland		x	$201,431.37	=	$0.00
Alkali Wetland	0.005	x	$190,704.26	=	$953.52
Ponds		x	$101,311.64	=	$0.00
Aquatic (open water)		x	$51,251.77	=	$0.00
Slough / Channel		x	$115,614.45	=	$0.00
	Linear Feet				
Streams					
Streams 25 Feet wide or less (Fee is per Linear Foot)		x	$553.88	=	$0.00
Streams greater than 25 feet wide (Fee is per Linear Foot)		x	$834.33	=	$0.00
			Wetland Mitigation Fee Total	=	**$953.52**

FEE REDUCTION

Development Fee reduction (authorized by Implementing Entity) for land in lieu of fee	
Development Fee reduction (up to 33%, but must be approved by Conservancy) for permanent assessments	
Wetland Mitigation Fee reduction (authorized by Implementing Entity) for wetland restoration/creation performed by applicant	
Reduction Total =	**$0.00**

CALCULATE FINAL FEE

Development Fee Total		$699.15
Wetland Mitigation Fee Total	+	$953.52
Fee Subtotal		$1,652.67
Contribution to Recovery	+	$1,652.67
TOTAL AMOUNT TO BE PAID	=	**$3,305.34**

Notes:

1 City/County Planning Staff will consult the land cover map in the Final HCP/NCCP and will reduce the acreage subject to the Development Fee by the acreage of the subject property that was identified in the Final HCP/NCCP as urban, turf, landfill or aqueduct land cover.

2 The Conservancy is currently conducting the periodic fee audit required by the HCP/NCCP which could result in further adjustment to some or all fees in 2013.

3 "Fee Zone 4" is not shown on Figure 9.1 of the HCP/NCCP but refers to the fee applicable to those few covered acitivities located in northeastern Antioch (see page 9-21 of the HCP).

Template date: March 15, 2013

padre associates, inc.
ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

RESTORATION AND MONITORING PLAN

Chevron Pipe Line Company's KLM 032 PIM Repair Project

Prepared for:

Chevron Pipe Line Company

9525 Camino Media, Building E

Bakersfield, CA 93311

Contact: Ana Wauthion-Melgar

Prepared By:

Padre Associates, Inc.
5500 Ming Ave., Suite 250
Bakersfield, California 93309

February 2014

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1.0 INTRODUCTION AND PURPOSE

This Restoration and Monitoring Plan (RMP) has been prepared for Chevron Pipe Line Company (CPL) as a revegetation plan for the temporary disturbance of vegetation communities at the Kettleman to Lost Medanos (KLM) Chevron Pipe line (CPL) Company's pipeline in the city of Brentwood, California known as KLM-032.

2.0 PROJECT DESCRIPTION

2.1 Project Purpose

CPL is required by the Department of Transportation (DOT) and Resource and Special Programs Administration's Office of Pipeline Safety to complete assessments and repairs to its pipelines. CPL owns and operates the KLM crude oil pipeline. The KLM pipeline is a common carrier pipeline system, 192 miles in length that begins at CPLs Kettleman Station and generally extends from south to north, up from the San Joaquin Valley, to CPL's Los Medanos Station, located in Pittsburg, California. The KLM pipeline consists of 18-inch diameter pipe from Kettleman to Los Medanos, except for a nine-mile segment of 20-inch diameter pipe.

In 2012, CPL tested this pipeline and identified several anomalies within the pipeline systems that need to be investigated and possibly repaired to meet DOT standards. The purpose for preparing the planning survey report seeking coverage under the HCP/NCCP is to obtain authorization to conduct an exploratory excavation on a specific portion of the KLM pipeline that was identified through the pigging process and conduct any repairs to the line. Chevron sends what is referred to as a smart pig through all of their pipelines every 3-5 years. The smart pig x-rays the inside of the pipeline and all sleeves, welds, and coatings. The smart pig sends back coordinates on areas that may need to be investigated. These investigations can lead to coating, welding or sleeve repairs.

2.2 Project Description

The proposed repair activity occurs within an undeveloped portion within the city limits of Brentwood, California (**Figure 1 and 2**). The repair activity most likely required for this project will be welding a new sleeve around the anomaly in question. To install a new sleeve, a trench with a maximum disturbance of 10 feet wide by 20 feet long will be required to access the pipe in a safe manner. A backhoe will excavate and expose the pipeline, stockpiling the first one foot of topsoil and vegetation seed stock adjacent to the dig site in an upland area. The rest of the soil excavated will be stockpiled separately, either adjacent to the topsoil or within a dump truck. Once the pipeline is safely exposed, a trench box will be used to insure that the excavated walls will remain in place for safe entry into the trench to examine the pipeline anomaly. After the anomaly is located, the existing coating will be removed and discarded and a new metal sleeve will be welded over the anomaly. Once the sleeve is welded, the pipeline will be recoated and the trench will be backfilled to the existing topography prior to excavation. The topsoil with existing seed stock will be placed over the excavation.

The site is located immediately adjacent to a Contra Costa County detention basin and levee that contains a culvert with an associated channel. The channel and anomaly location is located between two residential developments, known as the *Vineyards*. As the name indicates the developments have vineyards and olive trees associated with them to aid in a

Mediterranean ambiance. The anomaly location is approximately 60 feet from Dry Creek that flows from the detention basin. Dry Creek contains typical emergent vegetation such as California bulrush (*Schoenoplectus californicus*) and broad-leaved cattail (*Typha latifolia*). The exact location of the dig site is located partially within Alkali wetland and vegetated with 70 percent saltgrass (*Distichlis spicata)*, and partially within ruderal habitat, consisting of mostly non-native plant species.

2.2.1 Construction Methods, Access, and Impacts.

Access to the project site will be achieved from Concord Ave, which parallels the KLM pipeline prior to making a 90 degree turn approximately 50 feet from the project site. Immediately south of the project site, is an access road for the residential developments' vineyards. Staging and equipment storage area will occur within the access road and upland vegetation immediately south of the project site. Vegetation will be mowed along the access route to facilitate vehicle and equipment access.

In order to assess and repair the anomaly (**Figure 3**), a section of the pipeline will be exposed (potholed) at the site to identify the extent of the anomaly. If necessary, a trench with a total maximum length of 20 feet, a width of 10 feet and an approximate depth of 4 to 6 feet will be excavated to completely expose and repair the anomaly for this site. This trench size will allow for proper trench-shoring procedures, as well as allow workers to conduct the necessary repairs to the pipeline, which includes, but is not limited to, the placement of sleeves on thin-walled areas or completely replacing small sections of pipe. Equipment movement and spoils will disturb and additional 30-foot-wide area south of the trench for a total impact area of 50 feet by 10 feet.

2.2.2 Construction Equipment.

The project would be implemented in its entirety within one construction phase. To perform the repair activities, the following equipment is anticipated.

- Backhoe
- Generator
- Vibratory soil compactor
- Portable vegetation removal equipment
- Sandblasting machine
- Contractor's vehicles
- Excavator (if necessary)

3.0 VEGETATION TYPES

The project sites occurs within ruderal and salt grass flats habitat types but freshwater emergent wetland occurs adjacent (60 feet north) to the project site within Dry Creek; therefore, it will be discussed also. These habitats are discussed below.

3.1 Ruderal Areas.

Ruderal vegetation is found in disturbed areas throughout the project area. Vegetation within this cover type consists of non-native herbaceous species. Plant species seen onsite include bristly ox-tongue (*Helminthotheca echioides*), black mustard (*Brassica nigra*), yellow

star-thistle (*Centaurea solstitialis*), vetch (*Vicia* sp.), and milk thistle (*Silybum marianum*). Within the project site Italian thistle (*Carduus pycnocephalus*) is the dominant plant within the upland portion making up 85 percent of the vegetation.

3.2 Saltgrass Flats.

This habitat type occurs within coastal salt marshes and inland habitats that include playas, swales, and terraces along washes. Soils are often deep and alkaline. Soils may have an impermeable layer making them poorly drained. Holland (1986) notes that this herbaceous alliance is referred to as alkali meadow. Within this alliance, saltgrass must make up more than 50 % of the relative cover (Sawyer and Keeler-Wolf, 2009). Within the project site the two dominant plant species were saltgrass and alkali heath (*Frankenia salina*), with saltgrass making up 70 percent of the vegetation within this habitat type. Other species present include Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) and rye grass (*Festuca perennis*)

3.3 Freshwater Emergent Wetlands. Freshwater emergent wetlands are among the most productive wildlife habitats in California, providing food, cover, and water for over 160 species of birds, and numerous mammals, amphibians, and reptiles (Kramer, 1988). This cover type is typically associated with topographically lower areas. Within the project site, emergent wetlands are located within Dry Creek, which will not be impacted by project activities. Plant species seen onsite include California bulrush , broad-leaved cattail, and saltgrass.

4.0 SITE PREPARATION

After the maintenance activities are completed, inspected, and approved by the qualified biologist, the trench will be backfilled with the material originally excavated from the trench. Subsoil will be replaced in the trench and compacted with machinery. After proper backfilling, the upper six inches of topsoil will be replaced and spread evenly over the trench. Spreading of topsoil will occur immediately following grading. Topsoil will not be mixed with subsoil or used to fill the trench.

Topsoil replacement will assist in the rapid recovery of the vegetative communities. The surface materials contained in the topsoil include seeds, rhizomes, nutrients, and microorganisms necessary for recovery of vegetation in these areas.

If topsoil must be removed because it is contaminated or because it contains the vegetative portions of invasive, non-native weeds, the Contractor will provide replacement material that is void of invasive, non-native weed material. Landform contours and slopes at the sites and along the access routes will be returned as close as possible to pre-disturbance conditions. The right-of-way (ROW) will be returned to approximate pre-construction grade such that the grade does not interrupt or alter the flow of surface hydrology.

Erosion control procedures will be implemented to prevent discharge of soil and backfill material into adjacent sensitive habitats, waterways, or wetlands. These measures will include, but not be limited to silt fences, straw wattles, and sandbag berms.

5.0 REVEGETATION

Pre-existing vegetation types would be re-established through a combination of topsoil replacement, saltgrass plugs and an upland seed mix, as needed. This would be accomplished by replacing the stored topsoil, with its seed bank and rootstock, and the placement of the

salvaged vegetation over the topsoil. In areas of high density, saltgrass has been shown to revegetate easily through natural spreading from placement of topsoil and from adjacent rootstock. Although saltgrass can be restored with passive restoration, additional saltgrass plugs will be planted within the impact area.

In addition to saltgrass plugs, upland vegetation disturbed by project construction will be revegetated following maintenance activities and ROW re-contouring. Hydroseeding will be the main method of seed dispersal with hand broadcasting of seed possibly used as a secondary method of seeding if any locations within the restoration sites cannot be accessed by hydroseeding equipment or in the event that a secondary seeding may be needed in locations not germinating properly. Completion of maintenance related activities includes the backfilling of the trench, final grading, and removal of all construction materials, debris, and equipment. Once CPL has designated work in a specific site as complete, revegetation will occur.

5.1 Post Construction Monitoring

Post construction monitoring of the upland access site will be through visual inspection during the first through fifth growing season following construction. Revegetated wetland areas will be monitored for up to five years following construction (expected 2015 to 2017 or to 2019), with a provision that cessation of monitoring may be request by Chevron at the end of the first 3 years if restoration has met the final performance criteria. Monitoring will include photographic documentation, as well as qualitative and quantitative estimates of plant cover and plant performance. Percent of species composition will also be estimated. Photographs will be taken from the same point each year to document changes. During the monitoring surveys, biologists will also note the presence and estimated cover of target invasive species, such as pepperweed (*Lepidium latifolium*).

5.1.1 Percent Cover Estimates and Reference Sites.

One 20-foot transect will be established within the impacted alkali flat (AF-2) area and one within the ruderal habitat (RV-2). To compare cover estimates, two reference transects (one alkali flat (AF-1) and one ruderal vegetation (RV-1)) will be established within un-impacted areas on the north side of the project site (**Figure 4**). These reference sites were established based on similar vegetative cover, hydrology, soils and proximity to the project site. Four one-meter square quadrat sample plots spaced five feet apart will be established along the width of each transect.

A measuring tape will be placed along the length of the transect at each sampling location. Transects will be identified at the beginning and end of the transect using pin flags and a GPS waypoint. The first quadrat of each transect will be placed with the lower corner of the quadrat against the tape beginning at zero feet on the right hand side. Quadrat placement will begin on the right side of each transect and alternated between the right and left side of the tape to the end of the transect. A total of four quadrats will be sampled at each transect location. At each quadrat, the absolute percent cover of each plant species will be estimated and recorded.

5.2 Performance Criteria

To ensure a successful revegation effort, all plants shall be monitored and maintained as necessary for five years, or at the end of the first 3 years if restoration has met the final performance criteria. Table 1 below explains the performance criteria that will be used.

Table 1. Performance Criteria for Wetland Restoration				
Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**
• At least 1 to 3 of the dominant species in the adjacent undisturbed wetlands will be present in the project site. • After the completion of the project and during backfill operations, the project site will be restored to preconstruction topography	Total plant cover is >30% of wetland vegetation cover	Total plant cover is >40% of wetland vegetation cover	Total plant cover is >50% of wetland vegetation cover	• Total plant cover is >60% of wetland vegetation cover • At least 60% hydrophytic vegetation[1] cover relative to the reference transect within the alkali flats vegetation community. • Vegetation cover in the temporary disturbed area of the project site shall consist of no more that 5% non-native, invasive species.

1. Hydrophytic vegetation is defined as species with a wetland indicator status of Facultative (Fac), Facultative Wetland (FacW), and/or Obligate (O).

Note: If the survival and/or cover requirements are not met, replacement planting, additional watering, weeding, invasive species eradication will be performed to meet the above criteria. Replacement plants will be monitored and will follow the same criteria above until success criteria have been met.

5.3 Annual Reporting

Post-construction reporting will consist of a report documenting the revegetation conditions. During the revegetation effort, CPL will maintain a record which identifies the restoration sites by method of revegetation, acreage treated, dates of backfilling and seeding, and any problem areas and how they were addressed.

The report will include a discussion of maintenance activities performed (if any), methods and dates monitoring was conducted, and a summary with estimates of percent cover following the criteria within Section 5.1 above. The report will also include a discussion of problems encountered, probable reasons for problem areas, and proposed corrective actions. The report will be submitted annually by December 31 to California Department of Fish and

Wildlife (CDFW), Army Corp of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), East Contra Costa County Habitat Conservancy (ECCCHC), and the US Fish and Wildlife Service (USFWS).

5.4 Final Completion Report

If the Project has successfully met the final performance criteria at Year-5 or prior, a final monitoring report will be submitted to CDFW, ACOE, RWQCB, ECCCHC, and USFWS. The final report will describe how and when all performance criteria was met and a request of project completion from the permitting agencies will be made. If performance criterion is met sooner than five years, a final completion report will be submitted early. Within the early completion report, a request will be made to release CPL from further monitoring, if an agency response is not received, CPL will assume that no further vegetation monitoring is required.

6.0 CONTINGENCY MEASURES

Contingency measures are typically implemented when performance criteria are not being met. Fire, fire-break disking, or other unexpected non-project related vegetation disturbances could adversely affect the revegetation efforts by increasing plant mortality. Replanting is the primary contingency measures described in this plan. If any unexpected non-project related event occurs that affects vegetative cover percent onsite and vegetative cover was 50 percent during the previous annual monitoring event, vegetation restoration will be deemed successful and no additional monitoring will be conducted.

If vegetation recruitment has not achieved at least 60 percent of the cover of adjacent reference transects by the end of year-5, revegetation efforts may be re-implemented according to methods described in previous sections. The necessity for augmentation of native plant density will be reviewed each year until it is apparent that native plant recruitment will result in the achievement of revegetation goals.

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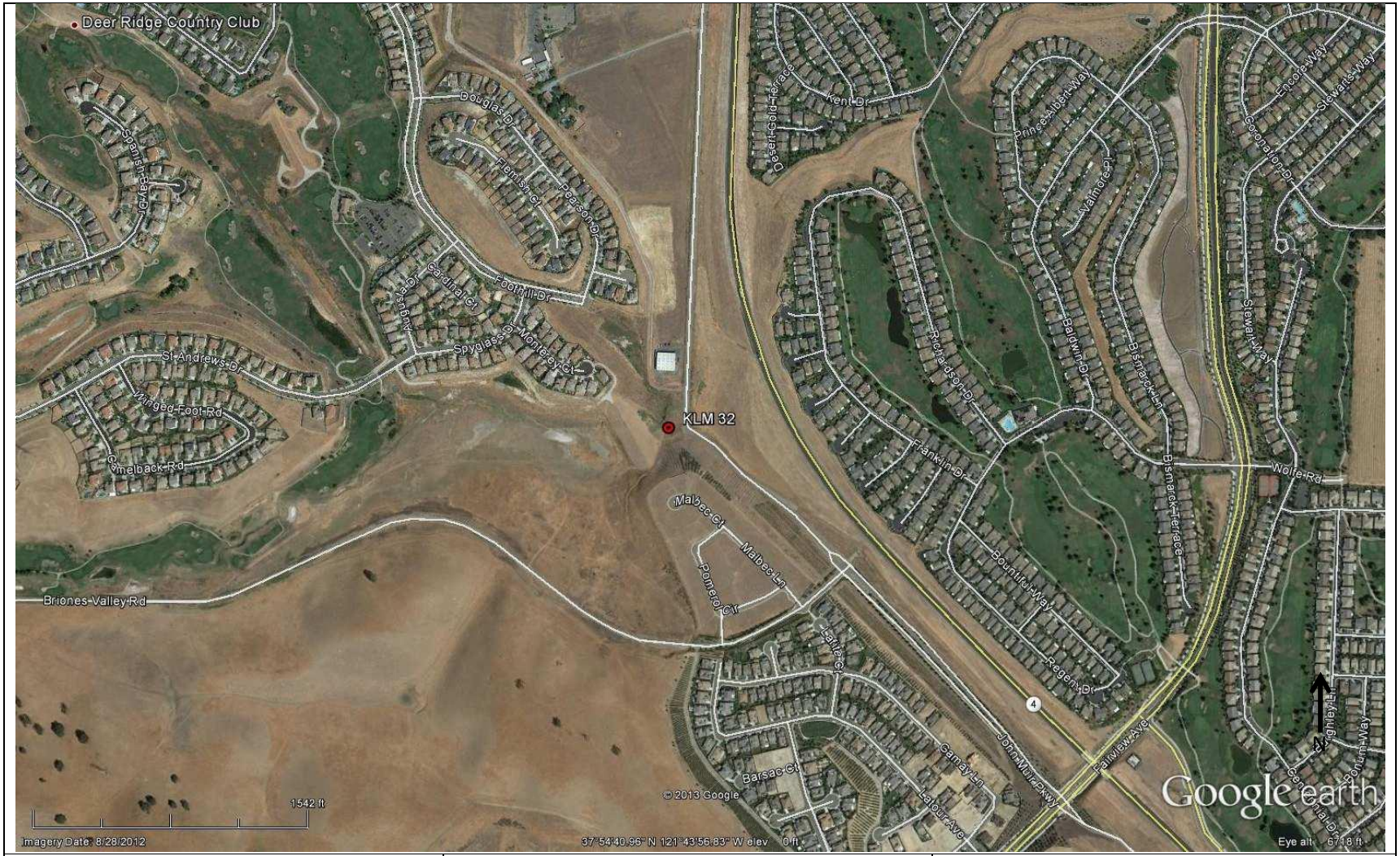
Figure 1
PIM Repair Location
Chevron Pipe Line Company



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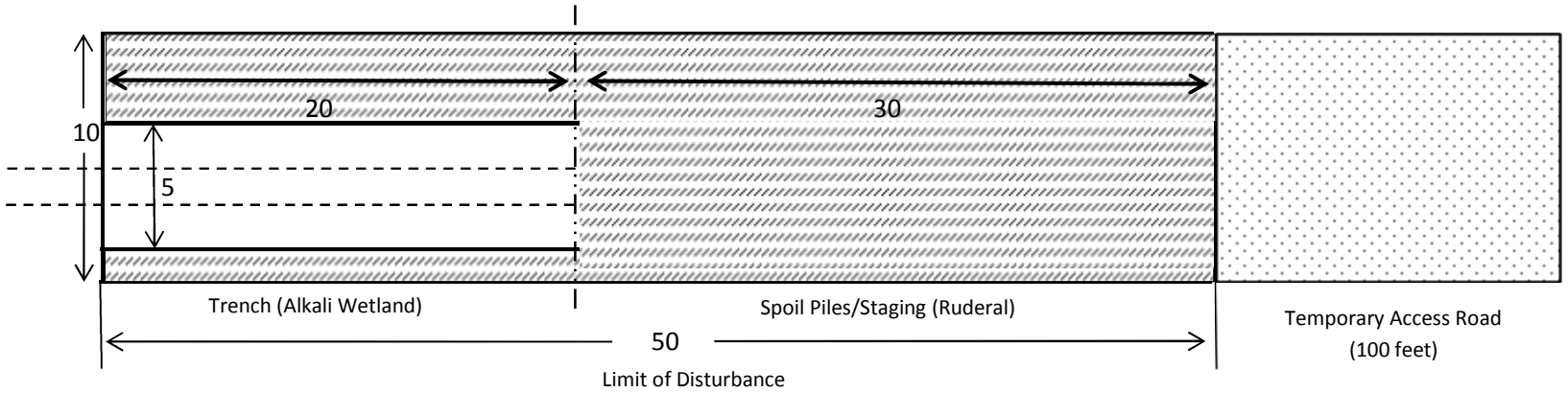
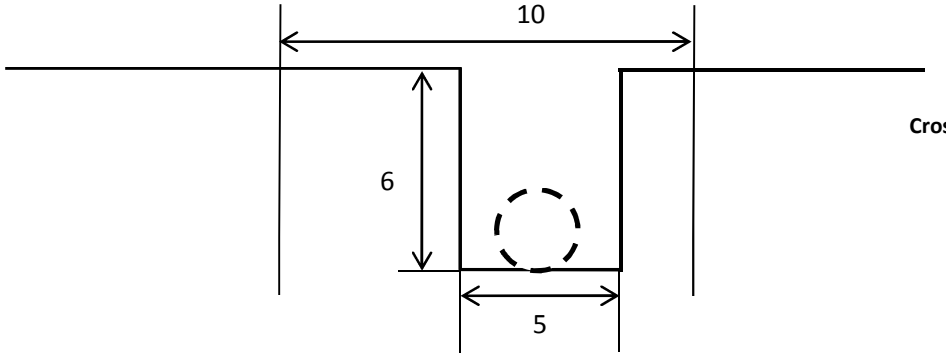
Chevron Pipe Line Company
KLM-32 Repair Site
November 2013

Figure 2
Aerial Site Map





Cross Section

Plan Not to Scale
Units in feet

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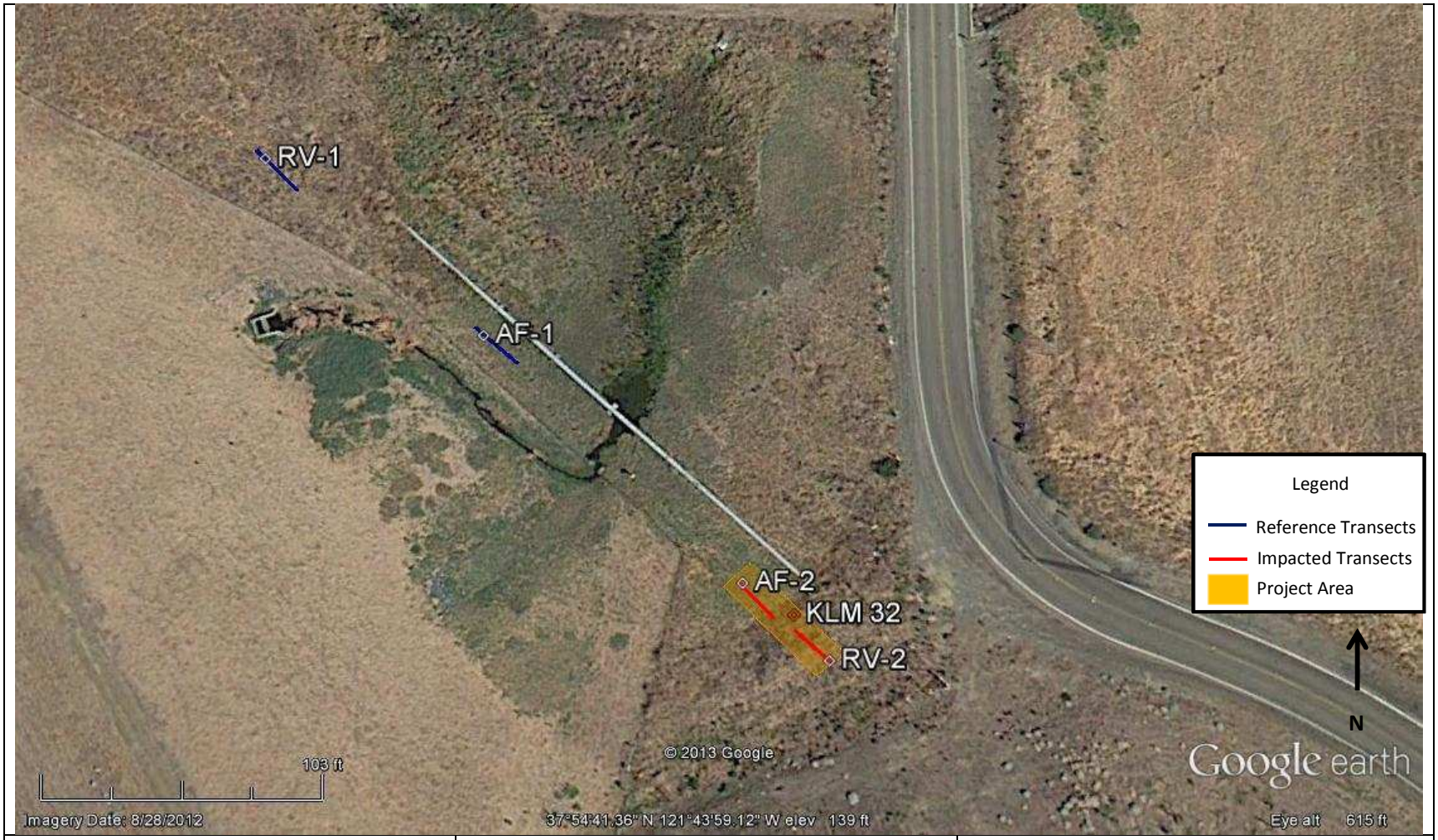
Chevron Pipe Line Company
KLM-32 Repair Site
November 2013

Figure 3
Plan Detail



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Chevron Pipe Line Company
KLM-32 Repair Site
February 2014

Figure 4
RMP
Reference Site Map

WETLAND DELINEATION REPORT

PRELIMINARY JURISDICTIONAL DELINEATION OF WATERS OF THE UNITED STATES AND WETLANDS CHEVRON PIPE LINE COMPANY'S KLM 32 PIM REPAIR PROJECT, CONTRA COSTA COUNTY, CALIFORNIA

Prepared for:

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Project No. 1202-1541

September 2013

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APPENDICES

1.0 INTRODUCTION

1.1 Background. Padre Associates, Inc. (Padre) has prepared this preliminary waters/wetland delineation for the proposed Chevron Pipe Line Company's (CPL) KLM 32 PIM Repair Project (project). The fieldwork for the delineation was conducted during two site visits in July and August, 2013.

1.2 Project Location. The proposed repair activity occurs within an undeveloped portion within the City of Brentwood at 37°54'40.90" N, 121°43'58.90" W. The site occurs in the SE¼, SE¼, Section 22, Township 1 north, Range 2 east (Brentwood 7.5-minute USGS quadrangle). The site is immediately adjacent to a 90 degree turn along Concord Avenue (Figure1).

1.3 Project Description. CPL is required by the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration to complete assessments and repairs to its pipelines in accordance with Pipeline Integrity Management (PIM) regulations contained within Title 49, Code of Federal Regulations (CFR), Section 195.569416 (E). CPL owns and operates the Kettleman to Los Medanos (KLM) crude oil pipeline. The KLM pipeline is a common carrier pipeline system, 192 miles in length that begins at CPL's Kettleman Station and generally extends from south to north, transporting crude oil from the San Joaquin Valley to CPL's Los Medanos Station, located in Pittsburg, California. The KLM pipeline consists of 18-inch diameter pipe from Kettleman to Los Medanos, except for a nine-mile segment of 20-inch diameter pipe.

In 2012, CPL tested this pipeline and identified several anomalies within the pipeline systems that need to be investigated and possibly repaired to meet DOT standards. This delineation was prepared because CPL will need to conduct an exploratory excavation on a specific portion of the KLM pipeline (KLM 32) that was identified through the pigging process, and this portion of pipeline may occur in a wetland. Chevron sends what is referred to as a smart pig through all of their pipelines every 3-5 years. The smart pig x-rays the inside of the pipeline and all sleeves, welds, and coatings. The smart pig sends back coordinates on areas that may need to be investigated. These investigations can lead to coating, welding or sleeve repairs.

1.4 Project Setting. The field delineation survey was conducted on August 19, 2013. Potentially jurisdictional "water of the United States" (WoUS) and wetlands were identified at the site. Sample plot locations were investigated at the site and delineation data forms were completed to determine the extent of jurisdictional WoUS or wetlands.

2.0 REGULATORY AUTHORITY

2.1 Section 404 of the Clean Water Act.

2.1.1 Waters of the United States. The U.S. Army Corps of Engineers (Corps) is responsible for the issuance of permits for the placement of dredged or fill material into WoUS pursuant to Section 404 of the Clean Water Act (33 USC 1344).

Formerly, the Corps asserted jurisdiction over "intrastate lakes, rivers, streams, including intermittent streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect

interstate or foreign commerce including any such waters which (1) were or could have been used by interstate or foreign travelers for recreational or other purposes; (2) from which fish or shellfish were or could have been taken and sold in interstate or foreign commerce; or (3) which were used or could have been used for industrial purpose by industries in interstate commerce (33 CFR 328.3(a)(3).

In January 2001, the U.S. Supreme Court ruled in the case of Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers *et al*. (SWNAAC) that isolated intrastate non-navigable waters could not be considered "waters of the United States" under Section 404 of the Clean Water Act on the basis of the migratory bird rule (U.S. Supreme Court, 2001).

Based on the SWANCC decision and subsequent guidance from the Corps (2001), waters covered by subsection (a) (3) that could affect interstate commerce solely by virtue of their use as habitat by migratory birds were no longer considered WoUS. Isolated wetlands could still be regulated as WoUS if another interstate commerce connection could be established, such as:

- Use in commercial navigation
- Use in interstate travel
- Industrial use with interstate commerce
- Yield of fish/shellfish sold in interstate commerce

Wetlands could also be regulated as WoUS if they were adjacent to jurisdictional waters (other than waters that are themselves wetlands). The Corps' regulation concerning wetlands adjacent to jurisdictional waters is defined at 33 CFR 328.4(c)(4):

> *Non-tidal Waters of the United States. The limits of jurisdiction in non-tidal waters:*
>
> *In the absence of adjacent wetlands, the jurisdiction extends to the ordinary high water mark, or*
>
> *When <u>adjacent</u> wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands (emphasis added)*

The term adjacent is defined at 33 CFR 328.3(C) as:

> *The term adjacent means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are "adjacent wetlands"*

The adjacency concept was further discussed in the Preamble to the Corps 1977 regulations at 42 FR 37129, which states:

> *"…we have defined the term 'adjacent' to mean "bordering, contiguous, or neighboring.' The term would include wetlands that directly connect to other waters of the United States, or that are in reasonable proximity to these waters but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, or similar obstructions."*

In 2006, the U.S. Supreme Court, in its decision in Rapanos v. United States and Carabell v. United States (*Rapanos* decision), revisited the jurisdictional scope of Section 404 of the CWA with respect to WoUS. The Court confirmed Corps jurisdiction over waters that have been or are navigable waters. However, disputes arose over waterbodies and wetlands associated with intermittent and ephemeral waterbodies.

The Court provided two new analytical standards for determining whether waterbodies that are not traditional navigable waters (TNWs), including wetlands adjacent to those non-TNWs, are subject to CWA jurisdiction. These standards are:

1) if the water body is relatively permanent, or if the water body is a wetland that directly abuts (e.g., the wetland is not separated from the tributary by uplands, a berm, dike, or similar feature) a relatively permanent water body (RPW) it is under the jurisdiction of the CWA, or
2) if a water body, in combination with all wetlands adjacent to that water body, has a significant nexus with TNWs, it is under the jurisdiction of the CWA.

In response to the *Rapanos* Decision, the Corps and the U.S. Environmental Protection Agency (EPA) issued new guidance to determine over which waters bodies to assert jurisdiction (U.S. Army Corps of Engineers and U.S. Environmental Protection Agency, 2006). The agencies will assert CWA jurisdiction over:

a) Traditional Navigable Waters (TNWs)
b) All wetlands adjacent to TNWs
c) Non-navigable tributaries of TNWs that are relatively permanent tributary waters (RPW tributaries typically flow year-round or have continuous flow at least seasonally); and,
d) Wetlands that directly abut RPWs
e) Non-RPWs determined to have a “significant nexus” with a TNW, based on a fact-specific analysis.

The classes of water bodies that are subject to CWA jurisdiction only if such a significant nexus is demonstrated are: non-navigable tributaries that do not typically flow year-round or have continuous flow at least seasonally; wetlands adjacent to such tributaries; and wetlands adjacent to but that do not directly abut a relatively permanent, non-navigable tributary. A significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or an insubstantial effect on the chemical, physical, and/or biological, integrity of a TNW. Principal considerations when evaluating significant nexus include the volume, duration, and frequency of the flow of water in the tributary and the proximity of the tributary to a TNW, plus the hydrologic, ecological, and other functions performed by the tributary and all of its adjacent wetlands.

To assist in conducting and making these jurisdictional determinations (JDs), the agencies have developed the *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* (U.S. Army Corps of Engineers and U.S. Environmental Protection Agency, 2007a).

The Corps and EPA now require that all JDs for non-navigable, isolated waters be elevated to their respective national headquarters for review prior to the local Corps' District Office making a final JD decision (U.S. Army Corps of Engineers and U.S. Environmental Protection Agency, 2007b).

2.1.2 Wetlands. Wetlands are a special category of WoUS, and are defined at 33 CFR 328.3(b) as: *"...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."*

2.2 Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The Corps is also responsible for authorizing work affecting navigable waters of the United States. Structures or work under or over a navigable water of the United States is considered to have an impact on the navigable capacity of the waterbody (33 CFR 322.3[a]).

3.0 METHODOLOGY

Prior to the field delineation, Padre conducted a literature review to determine the general character of the proposed project sites, and to identify potential areas of concern. Documents and resources reviewed included the following:

- U.S. Geological Survey (USGS) 7.5 minute topographic map of the Brentwood quadrangle
- National Wetland Inventory Map for the Brentwood quadrangle
- Soil survey and hydric soil list for Contra Costa County

The preliminary jurisdictional delineation was conducted using the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (U.S. Army Corps of Engineers, 2006) and the Routine Wetland Method described in the *1987 Corp of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987).

One sample transect was established and sample plots were identified on the transect. This transect was used to determine the limits of WoUS and wetlands. All sample plots were marked and labeled in the field with pin flags, and approved wetland data sheets were prepared (Appendix A). The location of each sample plot was determined using a Trimble GeoXH GPS unit with sub-meter accuracy. The GPS data were used to identify sample plot locations and limits of WoUS/wetlands on the map. The vegetation, soil, and hydrology were examined at all sample plots. A description of the sampling methods follows.

3.1 Vegetation. Hydrophytic vegetation is plant life that occurs in areas that are frequently flooded or have saturated soil for a prolonged duration during the growing season. In accordance with Corps methodology, for a site to display a positive wetland vegetation indicator, greater than 50 percent of the plant species at a sampling location must be classified as hydrophytic (water-loving).

To determine the predominance of hydrophytic vegetation, dominant plant species within each stratum (tree, sapling/shrub, herbaceous, and woody vine) at the sample plot location were identified using standard taxonomic references (Baldwin et. al., 2012; Mason, 1957). The hydrophytic indicator status of the species was determined in accordance with *The*

National Wetland Plant List (Lichvar, 2012) as facultative (FAC), facultative-wetland (FACW) or obligate (OBL) wetland species. The vegetation was then analyzed using the dominance test to determine if greater than 50 percent of the dominant species were hydrophytic and the prevalence index calculation to determine if the prevalence index was less than or equal to 3.0.

3.2 Soils. At each sample plot, a soil pit was excavated to a depth of 18 inches below ground surface (bgs), where possible, to determine the extent of saturation and to examine the soil for evidence of wetland hydrology. Once the pit was excavated, a soil sample was obtained from below the A horizon, approximately 10 inches bgs, and examined for evidence of redoximorphic characteristics, such as low matrix chroma, gleying, and/or mottling resulting from anaerobic conditions. After moistening, the soil color was determined using Munsell soil color charts (Munsell Color, 1990), and the soil profile was characterized to determine if it met any of the hydric soil indicators. Redoximorphic characteristics, such as low matrix chroma, gleying, concentrations and/or depletions resulting from anaerobic conditions were noted on the datasheets. Soil texture was evaluated using field methods described by the Corps (Environmental Laboratory, 1986). The characteristics of the soils were then compared against descriptions of soil-mapping units detailed in the *Soil Survey of Contra Costa County, California* (Soil Survey Staff, 2013) for the project site.

3.3 Wetland Hydrology. Hydrologic characteristics of the sample plots were evaluated by identifying evidence of inundation, free water in the soil pit, soil saturation, and/or other primary or secondary hydrology indicators.

4.0 RESULTS

4.1 Hydrophytic Vegetation. The two cover types identified within the project site include salt grass flats and ruderal areas. Below are descriptions of the plant communities identified at the project site.

4.1.1 *Salt Grass Flats*. This habitat type occurs within coastal salt marshes and inland habitats that include playas, swales, and terraces along washes. Soils are often deep and alkaline. Soils may have an impermeable layer making them poorly drained. According to Holland (1986) this herbaceous alliance is referred to as alkali meadow. Within this alliance saltgrass (*Distichlis spicata*) must make up more than 50 % of the relative cover (Keeler et al., 2009). Within the project site the two dominant plant species were saltgrass (FAC) at 70% and alkali heath (*Frankenia salina*) (FACW) at 15 percent. Other species present include Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) (FAC) and rye grass (*Festuca perennis*) (FAC). Based on the vegetation dominance at Sample Plot A, the site meets the hydrophytic vegetation parameter.

4.1.2 Ruderal Areas. Vegetation in this cover type consists of non-native herbaceous species that can be indicators of weedy wetlands or uplands. Vegetation within this cover type can include bristly ox-tongue (*Heminthotheca echioides*), curly dock (*Rumex crispus*), black mustard (*Brassica nigra*), geranium (*Geranium molle*), teasel (*Dipsacus fullonum*), and fennel.

Within the project site the southern half supports ruderal habitat. Within Sample Plot B there is an 85 percent dominance of Italian thistle (*Carduus pycnocephalus*) (NL), 10 percent saltgrass (FAC), and 5 percent soft chess (*Bromus hordeaceus*) (FACU). Other species

present in the area within this cover type include wild oat (*Avena fatua*), bristly ox-tongue, and black mustard. Based on the dominance of Italian thistle, the southern portion of the site does not meet the hydrophytic vegetation parameter.

4.2 Hydric Soils. An examination of the local soil survey map (Soil Survey Staff, 2013) indicates that the project site contains one soil-mapping unit. This soil is Pescadaro Clay Loam, 0 to 2 percent slopes (Pb). Below outlines the characteristics of this soil mapping unit.

4.2.1 Pescadero Series. The soil mapping units within the Pescardero Series consist of very deep poorly drained soils that formed in alluvium from sedimentary Rocks. Pescadero soils are found in level basins at elevations of 5 to 100 feet. Permeability is very slow, and the available water table is at depths of 60 to 72 inches. Drainage is poor with some locations being ponded on concave slopes. Runoff is very slow. These soils are used mainly for livestock grazing. Some reclaimed areas are used for irrigated field, row crops and irrigated pasture. Commonly cultivated crops are sugarbeets, barley, alfalfa, corn and tomatoes. The vegetation is mainly saltgrass, pickleweed, annual grasses and forbs. Formerly, this soil was used primarily for growing row crops such as tomatoes, beans, and sugar beets, dry farmed to grain, or irrigated and dry farmed pasture. Within the project site, Pescadero Series contains the Pescadero Clay Loam, 0 to 2 percent slopes (Pb) mapping unit.

According to the Field Office Official List of Hydric Soil Map Units for Contra Costa County, California (Soil Survey Staff, 2013), this soil type is hydric when found on basin floors, like where it occurs on the project site.

4.2.2 Sample Plots. The two sample plots were located within the soil mapping unit described above. Transect 1 spanned from the ruderal cover type and transitioned down into the basin supporting a dominance of saltgrass. Sample plot 1A was positioned within the salt grass flat vegetative community adjacent to the survey staking. Sample Plot 1B was positioned near the transition zone above the basin and within the ruderal vegetative cover type. The soil colors observed at each of the sample plots were not similar, each having a different hue and values and chromas shifting slightly between wetland and upland sample plot locations (Appendix A). Colors were consistent with the those identified for the mapping unit. The soil colors at 1A were indicative of hydric soils with a chroma of 1 and with over 20 percent redox features. The soil profile at 1A met the depleted matrix hydric soil indicator (F3). The soil color at 1B was not indicative of hydric soils with a chroma of 3 and approximately 12 percent redox features. The soil at 1B did not meet any hydric soil indicators.

4.3 Wetland Hydrology

Hydrology was observed at Sample Plot 1A but not at Sample Plot 1B. Hydrology indicators at 1A consisted of oxidized rhizospheres along living roots (C3) and drainage patterns (B10).

The project site and Dry Creek are not mapped as wetlands by the National Wetland Inventory (NWI). The detention basin west of the project site that Dry Creek flows from is defined as a palustrine, permanently flooded unconsolidated diked wetland. However, the detention basin was dry during both site visits in July and August. Water was present in Dry

Creek at the time of field surveys. The northern half of the project site occurs within a depressional area adjacent to Dry Creek.

5.0 FEDERAL JURISDICTION DETERMINATION

Wetlands/WoUS were identified at the repair location. All three parameters (hydrophytic vegetation, hydric soil and wetland hydrology) were met at Sample Plot 1A. The limits of the wetland were delineated and are depicted in Figure 2.

On the basis of this delineation, the proposed project site contains approximately 0.005-acre of WoUS and wetlands as depicted in Figure 2. However, this delineation is preliminary and must be verified by the U.S. Army Corps of Engineers.

6.0 CONTACT INFORMATION

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Chevron Pipe Line Company
Contact: Ana Wauthion-Melgar
Address: 9525 Camino Media
Phone: 661-654-7433

Land Owners/Property Access:

Contact Padre Associates, Inc. to arrange for site access.
Contact: Dawn Bradley
Phone: 661-381-7660 ext. 301

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FIGURES

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Figure 1
PIM Repair Location
Chevron Pipe Line Company

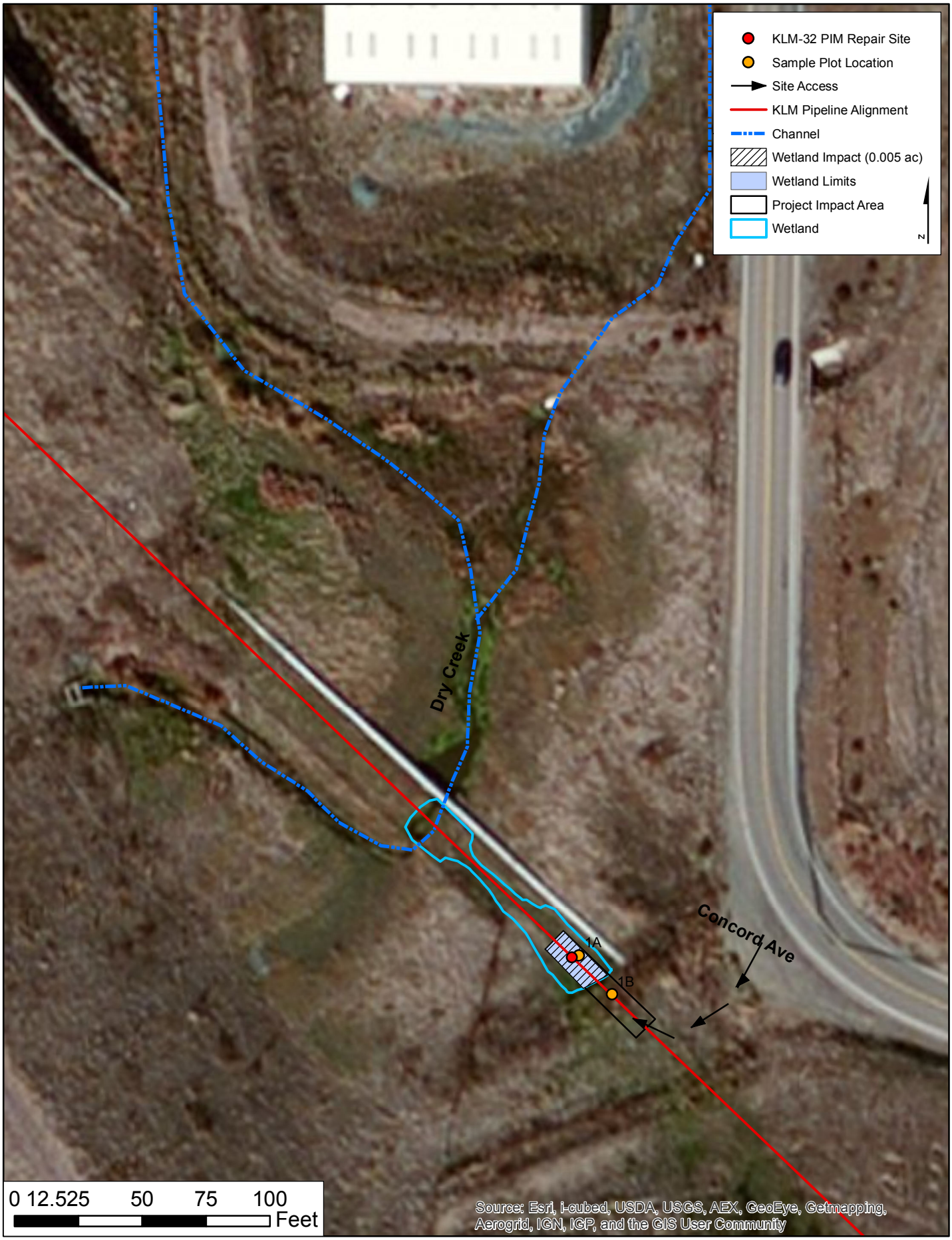
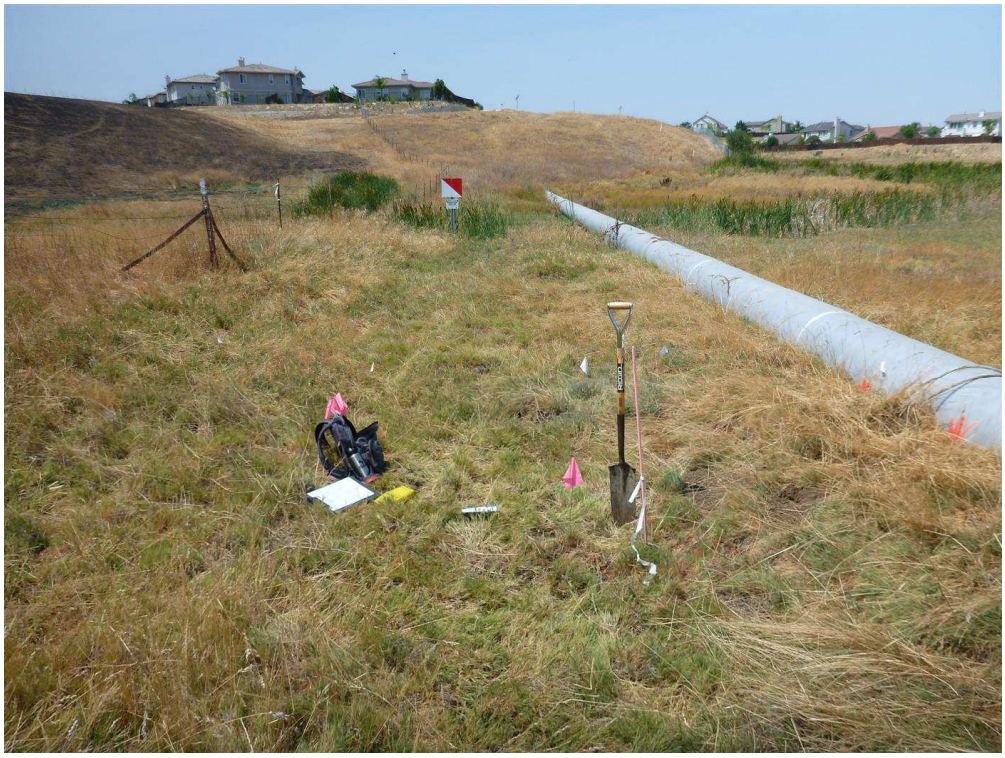


Figure 2
Preliminary Wetland Delineation Map and Impact
KLM-32 PIM Location

Photograph A. View of proposed dig location facing north. Location is adjacent to pink pin flag to the left of exposed PG&E pipeline.	
Photograph B. Another view (facing north) of project site with staking visible adjacent to the shovel. Dry Creek is visible north of the project site in the background.	

Photograph C. View of project site facing south. Shelf delineating upland ruderal vegetation and saltgrass is visible. Also visible is the ornamental olive trees that were planted as part of the *Vineyards* community. Project staging and soil stockpiles will be located in uplands near visible access road.	
Photograph D. View of project site facing east. With Dry Creek visible.	

Photograph E. View of land within detention area west of the project site. Ephemeral pools are visible.	
Photograph F. Site of delineation soil pit.	

APPENDIX A
WETLAND DELINEATION DATAFORMS

WETLAND DETERMINATION DATA FORM –Arid West Region

Project/Site: KLM-32 City/County: Brentwood, Contra Costa Sampling Date: 8/19/13

Applicant/Owner: CPL State: CA Sampling Point: 1A

Investigator(s): S. Powell, K. Crouch Section/Township/Range: SE 1/4, SE 1/4, S22, T1 R2E

Landform: Local Relief (concave, convex, none): Slope (%): 0

Subregion (LRR): LRRC Lat: 37° 54' 40.90 Long: 37° 54' 40.90 Datum: WGS-84

Soil Map Unit Name: Pescadero NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of years? Yes X No ____ (if no, explain in Remarks)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? No Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? No (If needed, explain any answers in Remarks)

SUMMARY OF FINDINGS -- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes X	No ____	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:

VEGETATION

Tree Stratum (Use scientific names)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
Total Cover			
Herb Stratum			
1. Distichlis spicata	70	D	FAC
2. Frankenia salina	15	D	FACW
3. Hordeum marinum gussoneanum	5		FAC
4. Festuca perennis	10		FAC
Total Cover			
Woody Vine Stratum			
1.			
2.			
Total Cover			

% Bare Ground in Herb Stratum: ____ % Cover of Biotic Crust ____

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (C)

Prevalence Index Worksheet:

OBL species	____	X1	____
FACW species	____	X2	____
FAC species	____	X3	____
FACU species	____	X4	____
UPL species	____	X5	____
Column Totals:	____ (A)		____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

____ Dominance Test is >50%

____ Prevalence Index is <=3.0[1]

____ Morphological Adaptations (provide supporting data in Remarks or on a separate sheet)

____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes X No ____

Remarks:

WETLAND DETERMINATION DATA FORM –Arid West Region

Sampling Point 1A

SOIL

Soil Taxonomy: _____ Drainage Class: _____

Profile Description: (Describe the depth needed to document the indicator or confirm the absence of indicators)

Depth (inches)	Matrix Color (moist)	Matrix Percent	Redox Features Color (moist)	Redox Features Percent	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
12"	7.5YR 3/1		7.5YR 5/6	20%	C	M	loam clay	
			10YR 7/1	2%	C	M		
			7.5YR 4/8	<1%	C	M		

[1]Type: C = Concentration, D = Depletion, RM = Reduced Matrix. [2]Location: PL = Pore Lining, RC = Root Channel, M = Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted)

- ___ Histosol
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (LRR C)
- ___ 1 cm Muck (A9) (LRR D)I
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)I
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (S7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (LRR C)
- ___ 2 cm Muck (A10) (LRR B)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present

Restrictive Layer (if present):
Type: _____
Depth: _____

Hydric Soil Present? Yes X No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (Nonriverine)
- ___ Sediment Deposits (B2) (Nonriverine)
- ___ Drift Deposits (B3) (Nonriverine)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- X Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more)

- ___ Water Marks (B1)
- ___ Sediment Deposits (B2) (Riverine)
- ___ Drift Deposits (B3) (Riverine)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No X Depth (inches): ___
Water Table Present? Yes ___ No X Depth (inches): ___
Saturation Present? (includes capillary fringe) Yes ___ No X Depth (inches): ___

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gage, monitoring well, aerial photos, previous inspections), if available

Remarks: Adj. & connected to Channel. Culvert from under dam at top end of channel. Channel runs & flows behind shop. Water in channel at time of survey. Channel supports cattails. Lg. Pools on opposite side of dam dry in August.

Dry Creek is the name of the channel.

WETLAND DETERMINATION DATA FORM –Arid West Region

Project/Site: KM-32 City/County: Brentwood, Contra Costa Sampling Date: 8/19/13

Applicant/Owner: CPL State: CA Sampling Point: 1B

Investigator(s): S. Powell, K. Crouch Section/Township/Range: SE¼, SE½, S22, T1, R2E

Landform: _____ Local Relief (concave, convex, none): _____ Slope (%): <5

Subregion (LRR): LRR C Lat: 37°54'40.90 Long: 121°43'58.90 Datum: WGS-84

Soil Map Unit Name: Pescadero NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of years? Yes X No _____ (if no, explain in Remarks)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? NO Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? NO (If needed, explain any answers in Remarks)

SUMMARY OF FINDINGS -- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No X	**Is the Sampled Area within a Wetland?** Yes _____ No X
Hydric Soil Present?	Yes _____	No X	
Wetland Hydrology Present?	Yes _____	No X	

Remarks:

VEGETATION

Tree Stratum (Use scientific names)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
Total Cover			
Herb Stratum			
1. Cardamine pycnocephalus	85	D	NL
2. Bromus hordaceus	5		FACU
3. Distichlis spicata	10		FAC
4.			
Total Cover			
Woody Vine Stratum			
1.			
2.			
Total Cover			

% Bare Ground in Herb Stratum: _____ % Cover of Biotic Crust _____

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (C)

Prevalence Index Worksheet:

OBL species	_____	X1	_____
FACW species	_____	X2	_____
FAC species	_____	X3	_____
FACU species	_____	X4	_____
UPL species	_____	X5	_____
Column Totals:	_____ (A)		_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

_____ Dominance Test is >50%

_____ Prevalence Index is <=3.0[1]

_____ Morphological Adaptations (provide supporting data in Remarks or on a separate sheet)

_____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:

WETLAND DETERMINATION DATA FORM –Arid West Region

SOIL

Sampling Point 1B

Soil Taxonomy: _____ Drainage Class: _____

Profile Description: (Describe the depth needed to document the indicator or confirm the absence of indicators)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	Percent	Color (moist)	Percent	Type[1]	Loc[2]	Texture	Remarks
12"	10YR 3/3		10YR 3/2	10	C	M	Silty loam	
			5YR 4/6	2	C	M		

[1]Type: C = Concentration, D = Depletion, RM = Reduced Matrix. [2]Location: PL = Pore Lining, RC = Root Channel, M = Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted)

- _____ Histosol
- _____ Histic Epipedon (A2)
- _____ Black Histic (A3)
- _____ Hydrogen Sulfide (A4)
- _____ Stratified Layers (A5) (LRR C)
- _____ 1 cm Muck (A9) (LRR D)I
- _____ Depleted Below Dark Surface (A11)
- _____ Thick Dark Surface (A12)I
- _____ Sandy Mucky Mineral (S1)
- _____ Sandy Gleyed Matrix (S4)
- _____ Sandy Redox (S5)
- _____ Stripped Matrix (S6)
- _____ Loamy Mucky Mineral (F1)
- _____ Loamy Gleyed Matrix (F2)
- _____ Depleted Matrix (F3)
- _____ Redox Dark Surface (F6)
- _____ Depleted Dark Surface (S7)
- _____ Redox Depressions (F8)
- _____ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- _____ 1 cm Muck (A9) (LRR C)
- _____ 2 cm Muck (A10) (LRR B)
- _____ Reduced Vertic (F18)
- _____ Red Parent Material (TF2)
- _____ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present

Restrictive Layer (if present):

Type: _____

Depth: _____

Hydric Soil Present? Yes ____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- __ Surface Water (A1)
- __ High Water Table (A2)
- __ Saturation (A3)
- __ Water Marks (B1) (Nonriverine)
- __ Sediment Deposits (B2) (Nonriverine)
- __ Drift Deposits (B3) (Nonriverine)
- __ Surface Soil Cracks (B6)
- __ Inundation Visible on Aerial Imagery (B7)
- __ Water-Stained Leaves (B9)
- __ Salt Crust (B11)
- __ Biotic Crust (B12)
- X Aquatic Invertebrates (B13) Snail shells (only 1)
- __ Hydrogen Sulfide Odor (C1)
- __ Oxidized Rhizospheres along Living Roots (C3)
- __ Presence of Reduced Iron (C4)
- __ Recent Iron Reduction in Plowed Soils (C6)
- __ Other (Explain in Remarks)

Secondary Indicators (2 or more)

- __ Water Marks (B1)
- __ Sediment Deposits (B2) (Riverine)
- __ Drift Deposits (B3) (Riverine)
- __ Drainage Patterns (B10)
- __ Dry-Season Water Table (C2)
- __ Thin Muck Surface (C7)
- __ Crayfish Burrows (C8)
- __ Saturation Visible on Aerial (C9)
- __ Shallow Aquitard (D3)
- __ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): ____

Water Table Present? Yes ____ No X Depth (inches): ____

Saturation Present? (includes capillary fringe) Yes ____ No X Depth (inches): ____

Wetland Hydrology Present? Yes ? No ____

Describe Recorded Data (stream gage, monitoring well, aerial photos, previous inspections), if available

Remarks: In topo position on shelf above low depressional wetland area.

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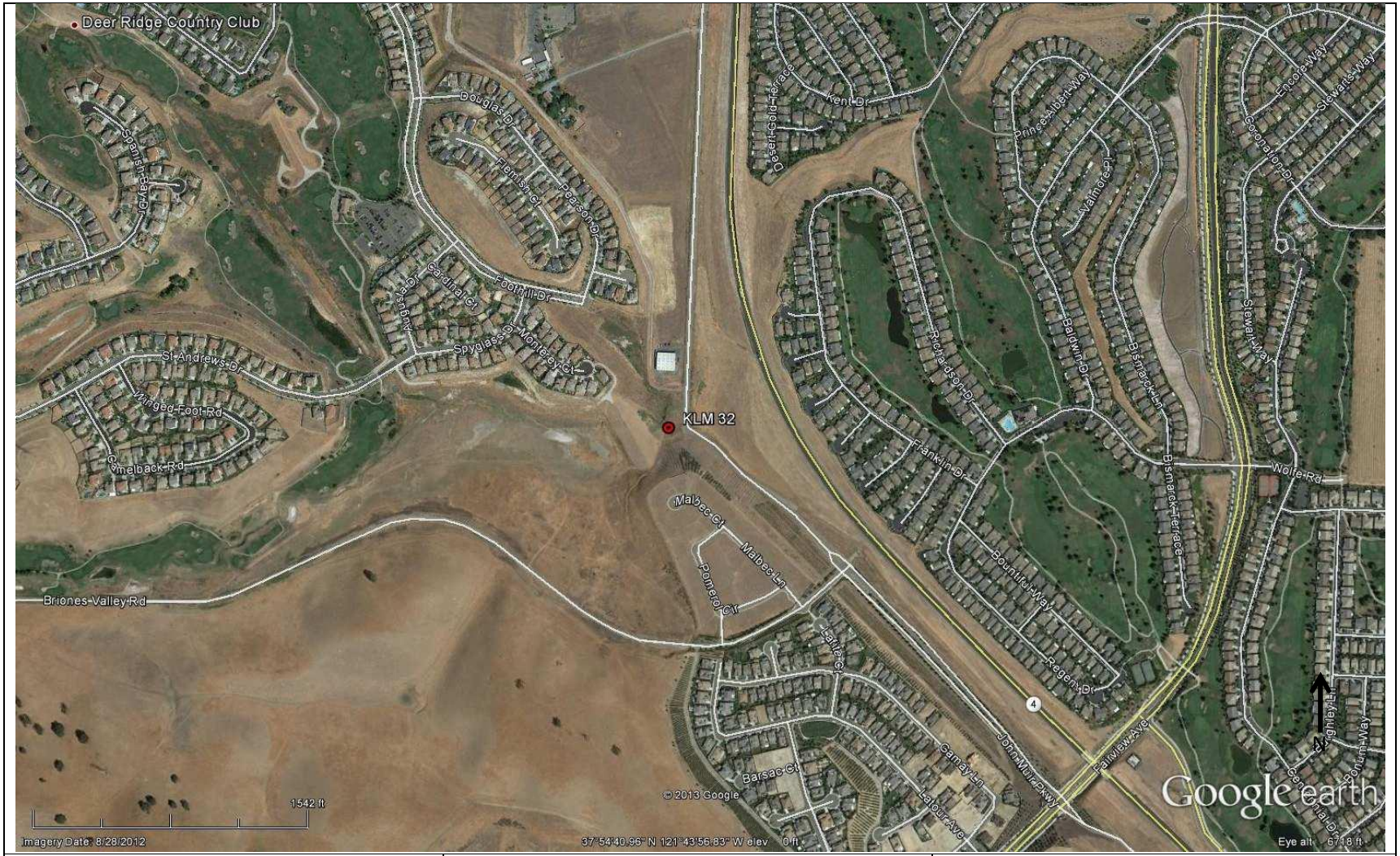
Figure 1a
PIM Repair Location
Chevron Pipe Line Company



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Chevron Pipe Line Company
KLM-32 Repair Site
November 2013

Figure 1b
Aerial Site Map

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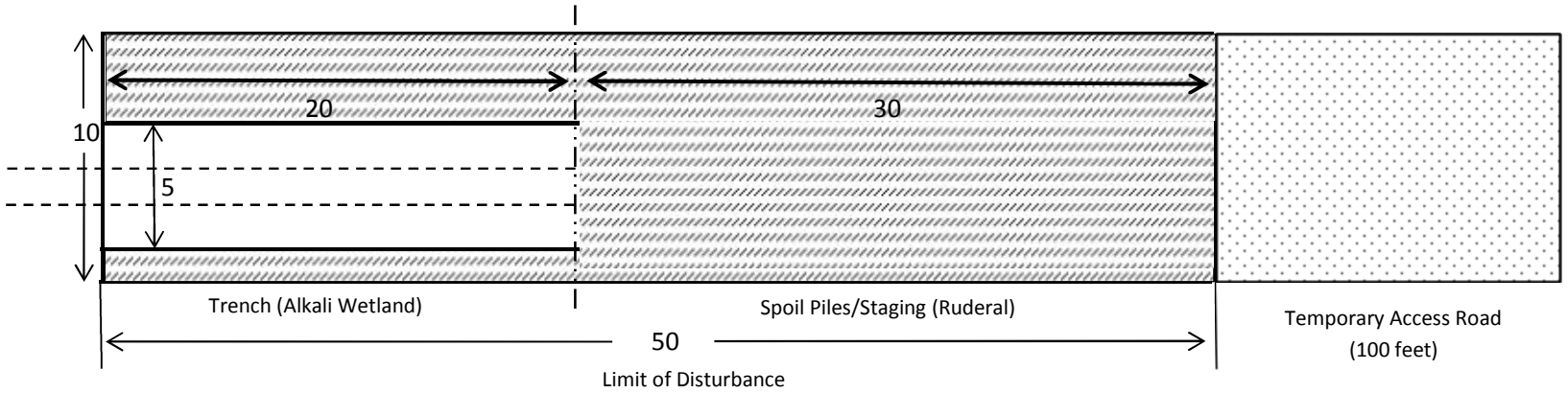
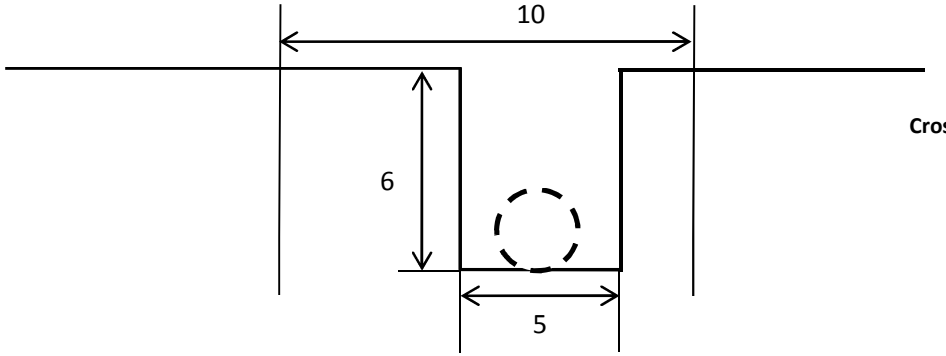
Figure 2a
Project Site Plan
KLM-32 PIM Location





Cross Section

Plan Not to Scale
Units in feet

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KLM-32 Repair Site
November 2013

Figure 2b
Plan Detail

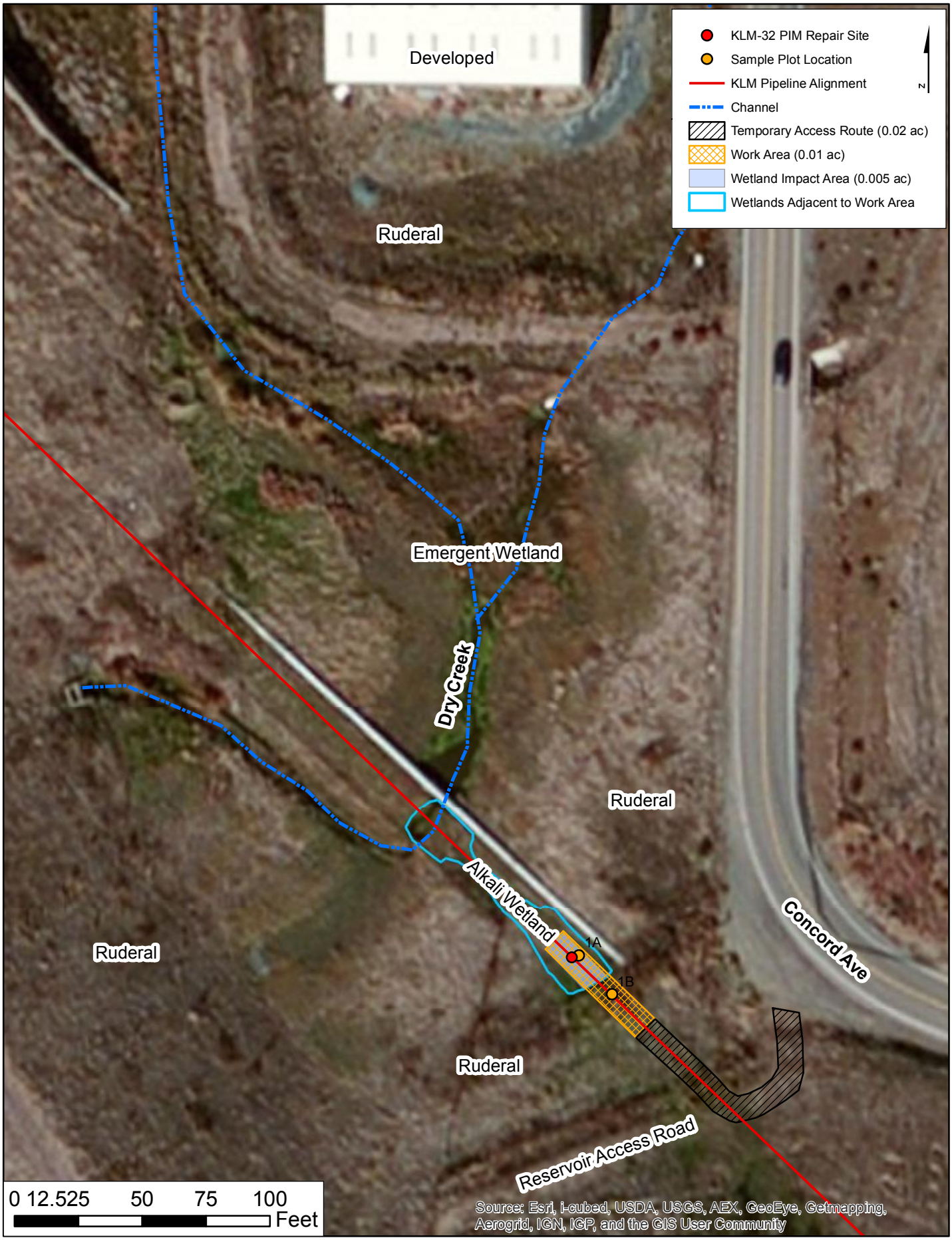

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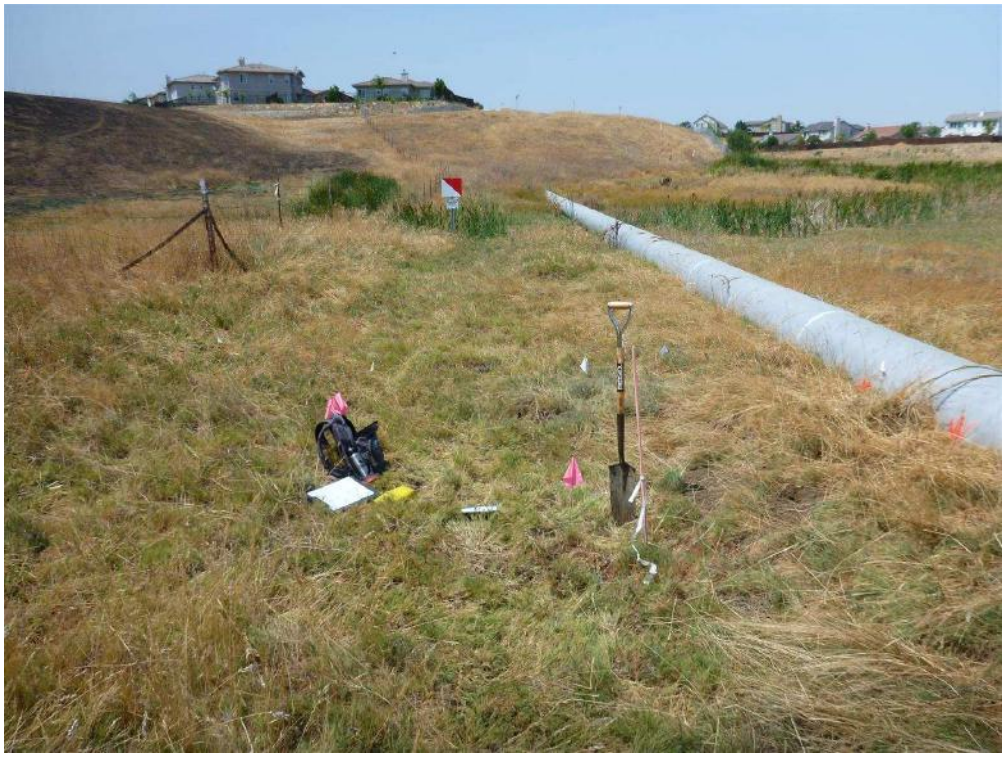
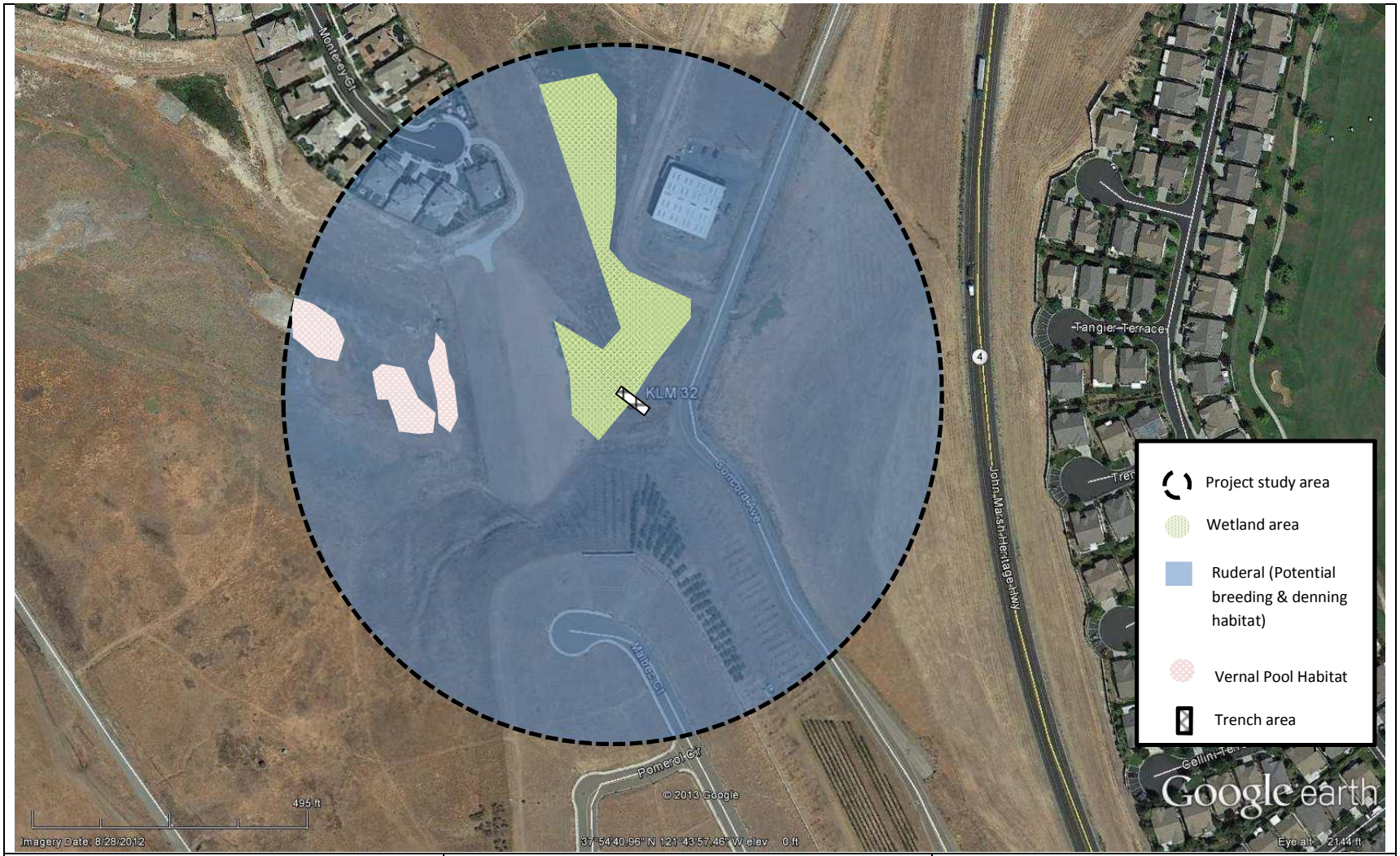
Figure 3A
Land Cover Map
KLM-32 PIM Location

Photograph A. View of proposed dig location facing north. Location is adjacent to pink pin flag to the left of exposed PG&E pipeline.	
Photograph B. Another view (facing north) of project site with staking visible adjacent to the shovel. Dry Creek is visible north of the project site in the background.	

Photograph C. View of project site facing south. Shelf delineating upland ruderal vegetation and saltgrass is visible. Also visible is the ornamental olive trees that were planted as part of the *Vineyards* community. Project staging and soil stockpiles will be located in uplands near visible access road.	
Photograph D. View of project site facing east. With Dry Creek visible.	

Photograph E. View of land within detention area west of the project site. Ephemeral pools are visible.	
Photograph F. Site of delineation soil pit.	



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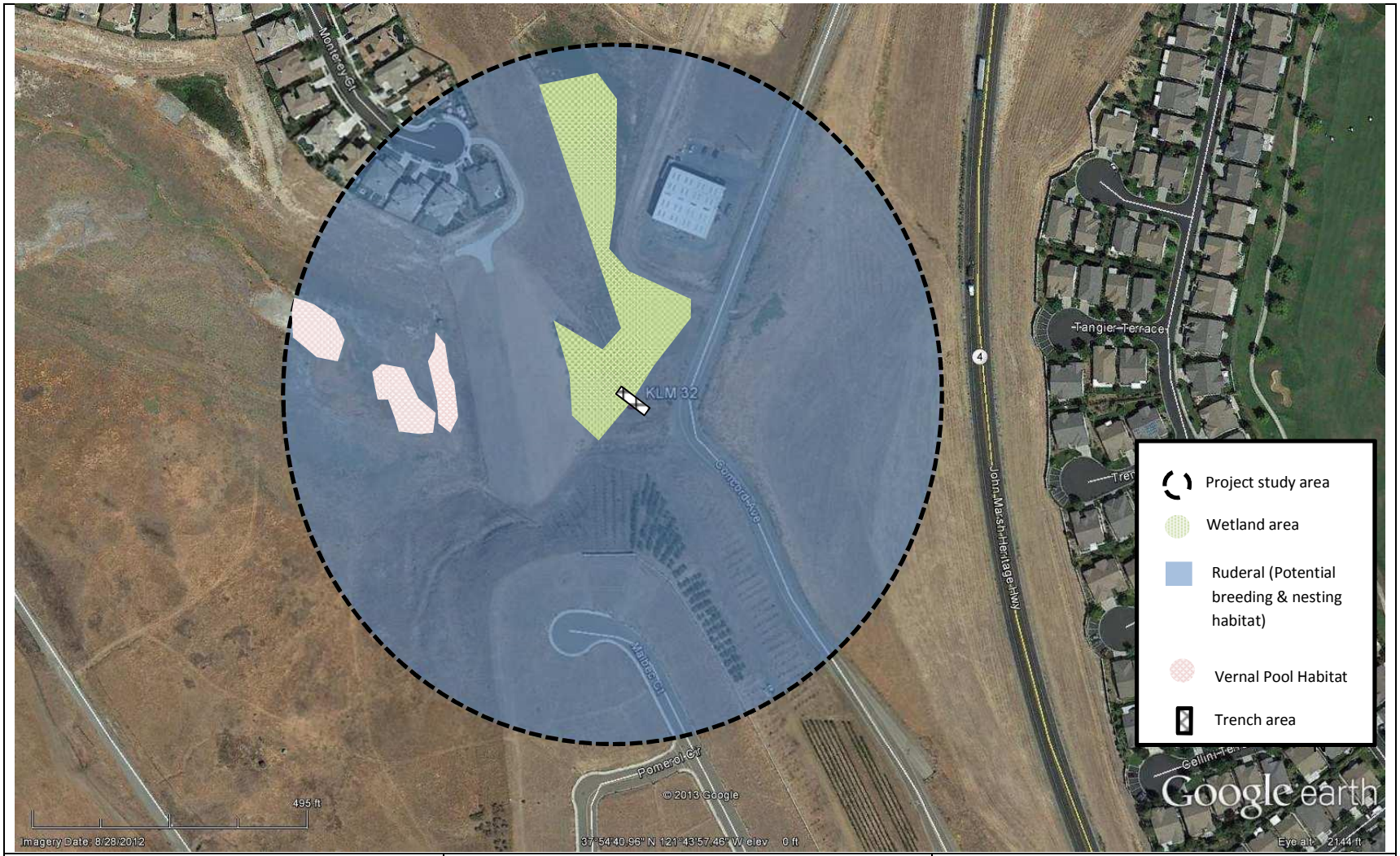
Chevron Pipe Line Company
KLM-32 Repair Site
November 2013

Figure 4a
Planning Survey
Species Habitat Map for
San Joaquin Kit Fox



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Chevron Pipe Line Company
KLM-32 Repair Site
November 2013

Figure 4b
Planning Survey
Species Habitat Map for
Western Burrowing Owl

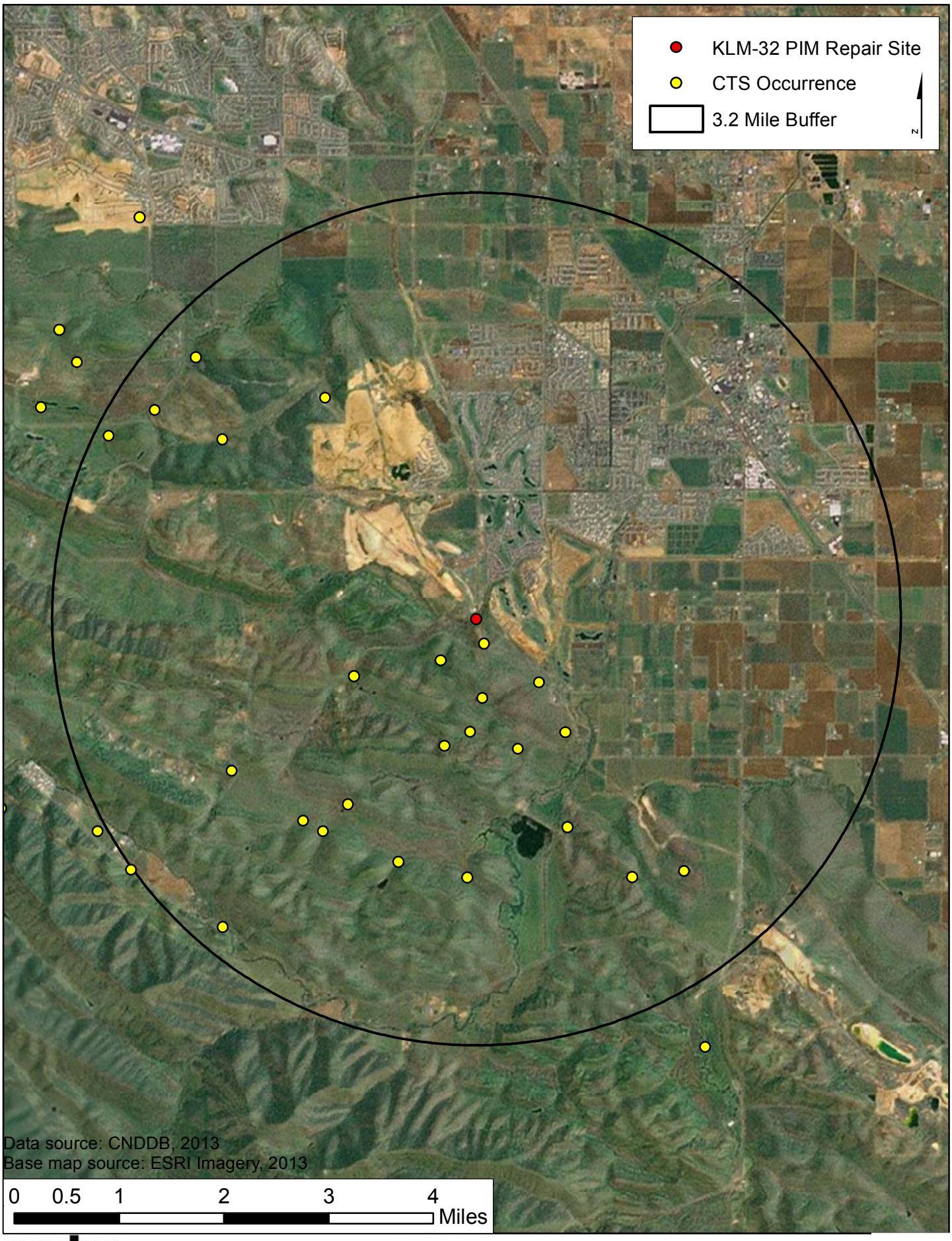

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Figure 4c
California Tiger Salamander Occurrences
KLM-32 PIM Location

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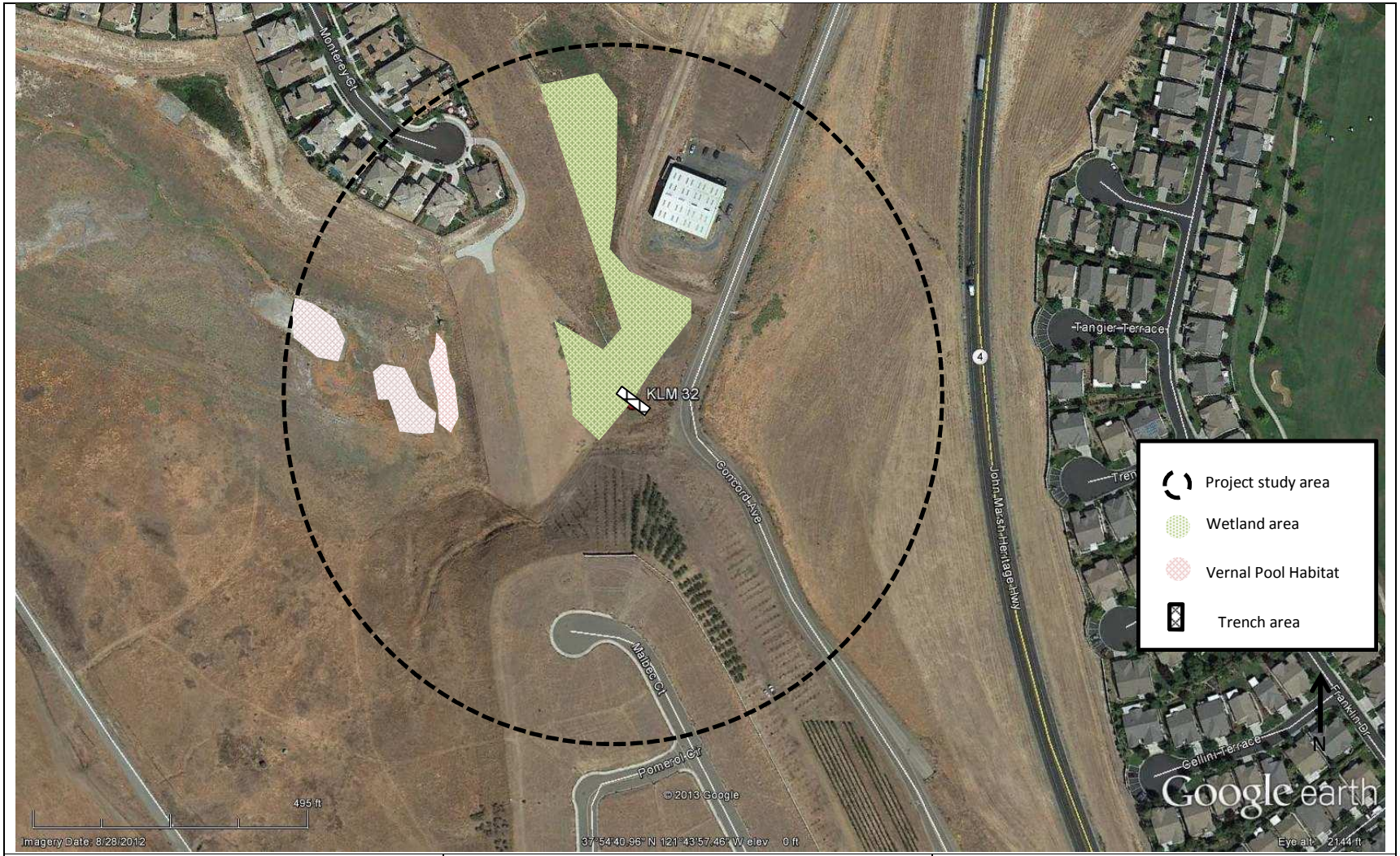
Figure 4 d
California Tiger Salamander Potential Breeding Habitat
KLM-32 PIM Location



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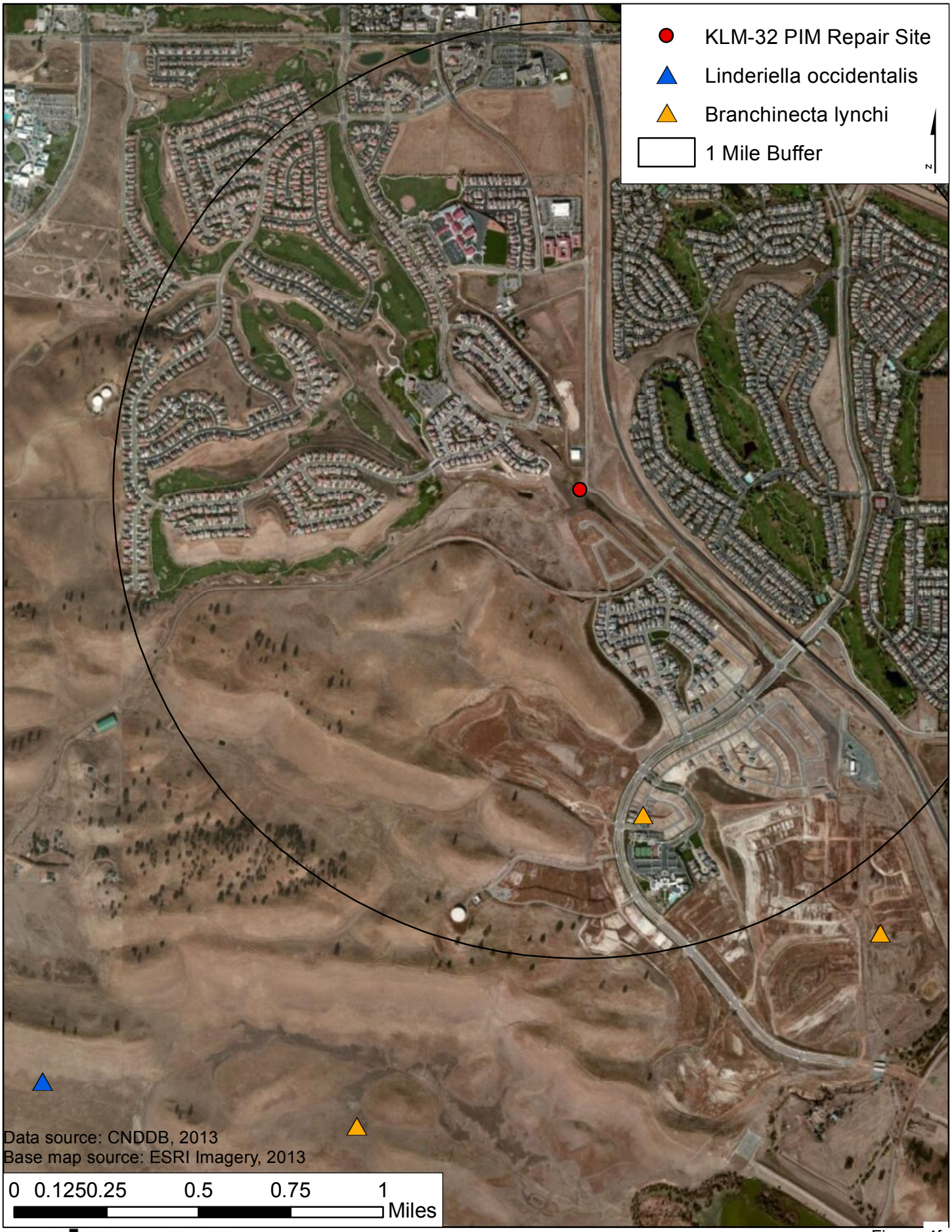
Chevron Pipe Line Company
KLM-32 Repair Site
November 2013

Figure 4e
Planning Survey
Species Habitat Map for
Vernal Pool Fairy Shrimp



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ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

Figure 4f
Vernal Pool Branchiopods in Project Vicinity
KLM-32 PIM Location