
Appendix D

Biological Assessment

Biological Assessment Port Costa Wharf Deconstruction Port Costa, Contra Costa County, California





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List of Acronyms and Abbreviations

ACM	asbestos-containing material
AECOM	AECOM Technical Services, Inc.
BA	Biological Assessment
BMP	Best Management Practices
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CWA	Clean Water Act
DPS	Distinct Population Segment
DDT	dichlorodiphenyltrichloroethane
CSLC	California State Lands Commission
EFH	Essential Fish Habitat
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
eTrac	eTrac Engineering, Inc.
FE	Federal Endangered
FMP	Fisheries Management Plan
FP	Fully Protected
FT	Federal Threatened
LBP	lead-based paint
MBTA	Migratory Bird Treaty Act
MHWL	Mean High Water Line
MLLW	mean lower low water
MMPA	Marine Mammal Protection Act
MOT	Marine Oil Terminal
NMFS	National Marine Fisheries Service
OHWM	Ordinary High Water Mark
Phillips 66	Phillips 66 Company
RWQCB	Regional Water Quality Control Board
SE	State Endangered
SSC	Species of Special Concern
ST	State Threatened
USFWS	United States Fish and Wildlife Service
WEAP	Worker Environmental Awareness Program

Executive Summary

This Biological Assessment (BA) addresses potential effects on special-status species and designated critical habitat resulting from the proposed deconstruction of the Port Costa Wharf in Port Costa, California (Proposed Action or Project) by Phillips 66 Company (Phillips 66). For this BA, special-status species include those listed as endangered or threatened under the Endangered Species Act (ESA) or the California Endangered Species Act (CESA); candidate species and species proposed for listing under the ESA or CESA; and species otherwise protected by the State of California and included in the California Natural Diversity Database (California Department of Fish and Wildlife [CDFW], 2012d). The latter category includes animals considered Species of Special Concern (SSCs), Fully Protected, or Watch List species by the CDFW, and plants that appear on the California Native Plant Society's (CNPS's) Lists 1 through 4 of rare and endangered plants.

Phillips 66 intends to remove/deconstruct all wood, concrete, and steel fixtures associated with the former Marine Oil Terminal (MOT) to comply with its lease with the California State Lands Commission. This includes the removal of MOT fixtures, which include the following: concrete decks, wooden decks, wood and steel-reinforced concrete piles, and miscellaneous debris associated with the former terminal. The piles will be removed to approximately 2 feet below the mud line. The Project footprint will be approximately 8.89 acres. Deconstruction activities will be conducted for 8 hours a day, 5 days per week. Phillips 66 plans to complete deconstruction and removal within approximately 5 months.

The action area is located in the southeast portion of the Carquinez Strait, which is within aquatic designated critical habitat for delta smelt (*Hypomesus transpacificus*), green sturgeon (*Acipenser medirostris*; southern Distinct Population Segment [DPS]), and steelhead trout (*Oncorhynchus mykiss irideus*; California Central Valley and Central California Coast Evolutionarily Significant Units [ESUs]). These species are Federal Threatened, and the delta smelt and green sturgeon are also State Threatened. The Carquinez Strait is also considered Essential Fish Habitat (EFH) for species that are regulated under a Federal fisheries management plan.

In addition to the action area within the Carquinez Strait, there also may be a need to provide incidental temporary facilities such as parking, storage of non-hazardous materials, and sanitary stations on shore near the former MOT. This will allow for access from onshore locations for the Phillips 66 representatives and contractors, site monitors, agency representatives, or others wishing to observe the operations. The proposed locations are located approximately 700 feet southwest and upland of the former MOT on the adjacent property formerly owned by TXI/Pacific Custom Materials, Inc. (TXI). This property contains existing developed roads and parking areas that can accommodate upland access and the aforementioned incidental temporary facilities, which will not exceed 1.5 acres. This property is mostly ruderal/disturbed area dominated by weedy vegetation, non-native Eurasian annual grasses such as wild oats (*Avena* spp.), annual brome grasses (*Bromus* spp.), ryegrass (*Lolium* spp.) and annual fescues (*Festuca* spp.). Additional weedy species commonly observed in this area include yellow star-thistle (*Centaurea solstitialis*), Russian knapweed (*Acroptilon repens*), horseweed (*Coryza bonariensis*), and smilo grass (*Piptatherum miliaceum*). There are also some remnants of ornamental plantings including several groups of beach sheoak trees (*Casuarina equisetifolia*).

Deconstruction activities associated with the Proposed Action may affect surrounding designated critical habitat, EFH, and the listed and federally-managed fish species that rely on these habitats. Temporary, insignificant impacts may include disturbance and displacement of fish species; degraded local water quality due to increased turbidity; release of hazardous contaminants such as creosote, hydrocarbons, lead-based paints (LBPs), or mercury; reduced habitat quality due to noise pollution; and displaced prey species.

Potential long-term effects include bioaccumulation of hydrocarbons or other harmful chemicals due to exposure to contaminants re-suspended from beneath the sediment and Bay mud's surface during pile removal or released from Wharf remnants or equipment operation. However, a potential positive long-term effect is the removal of creosote-treated wood and potentially other remnants containing hazardous materials from the area. Lastly, if the embankment is not properly stabilized, potential erosion over time may lead to increased turbidity and increased exposure to contaminants that may have accumulated in the soil.

To avoid and/or minimize potential adverse impacts to biological resources, appropriate best management practices (BMPs) will be implemented before and during deconstruction activities. Phillips 66 completed LBP and asbestos-containing material (ACM) surveys of the wharf structures in February 2013. Samples were collected and analyzed by a certified technician. Results of the survey indicate that LBP is present on some wharf structures, but no ACM was detected. Since LBP is present on the wharf, Phillips 66 will retain a licensed LBP abatement contractor to address LBP prior to the general deconstruction of the wharf. Prior to the start of deconstruction activities, wharf remnants also will be inspected for other hazardous materials such as mercury, and if detected, Phillips 66 will acquire the appropriate companies for abatement and mitigation of these materials. A floating boom and skirt suitable for conditions in the Carquinez Strait will be deployed around the action area to prevent the escape of any floating debris or sheen-producing liquids, and a supply of absorbent booms and pads will be available on vessels on site during deconstruction activities to contain any spilled liquids containing hazardous substances. Other BMPs are described in Section 2.2. With implementation of the BMPs and scheduling of work within the National Marine Fisheries Service-approved in-water work window, the Proposed Action is not likely to adversely affect listed fish species or adversely modify critical habitat.

Although there are no known occurrences of listed bird species in the action area, several special-status species were observed in the action area during a 2012 site reconnaissance. Additionally, the nests and eggs of most bird species are protected under California Fish and Wildlife Code 3503 and the Migratory Bird Treaty Act. If deconstruction activities occur during nesting bird season (February 1st through August 15th), Phillips 66 will take measures to either prevent birds from nesting in the action area or protect nests identified no more than 14 days prior to the start of deconstruction activities until the young have successfully fledged and the nests are abandoned. Impacts to special-status bird species due to the Project would be short-term and insignificant. Deconstruction activities would likely disturb bird species utilizing the area for nesting and/or foraging habitat. Birds would likely avoid the area during deconstruction activities and these activities would likely displace potential prey species for fish-eating birds.

The Proposed Action is not expected to result in adverse impacts to other special-status species. Special-status mammals, reptiles, amphibians, invertebrates, and plants are unlikely to occur in the Project vicinity. Terrestrial designated critical habitats are also not expected to be negatively affected by the Project.