Appendix D

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

Prepared By

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Reviewed By

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## List of Acronyms and Abbreviations

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