

1 **1.0 PROJECT AND AGENCY INFORMATION**

2 **1.1 PROJECT TITLE**

3 Georgia Pacific Gypsum Antioch Wharf Upgrade Project (Project)

4 **1.2 LEAD AGENCY AND PROJECT SPONSOR**

5 California State Lands Commission (CSLC)
6 100 Howe Avenue, Suite 100-South
7 Sacramento, CA 95825

8 Contact person:

9 Afifa Awan, Environmental Scientist
10 Division of Environmental Planning and Management
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12 (916) 574-1891

13 **Applicant:**

14 Georgia Pacific Gypsum, LLC (GP Gypsum or Applicant)
15 801 Minaker Drive
16 Antioch, CA 94509

17 Contact person:

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19 Alexander.Hnizdor@gapac.com
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21 **1.3 PROJECT LOCATION**

22 The proposed Project is located offshore on the San Joaquin River (River) at 801
23 Minaker Drive, city of Antioch, Contra Costa County, approximately 2 miles west of the
24 Senator John A. Nejedly Bridge (Antioch Bridge), and east of Suisun Bay. (Refer to
25 Section 2, Project Description, for further details on the Project location.)

26 **1.4 ORGANIZATION OF MITIGATED NEGATIVE DECLARATION**

27 This Mitigated Negative Declaration (MND) is intended to provide the CSLC, as lead
28 agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code,
29 § 21000 et seq.), and other responsible agencies with the information required to
30 exercise their discretionary responsibilities with respect to the proposed Project. The
31 document is organized as follows:

- 1 • Section 1 provides the Project background, Agency and Applicant information,
2 Project Objectives and anticipated agency approvals, and a summary of the
3 public review and comment process.
- 4 • Section 2 describes the proposed Project including its location, layout,
5 equipment, and facilities. Section 2 also provides an overview of the Project's
6 operations and schedule.
- 7 • Section 3 provides the Initial Study (IS), including the environmental setting,
8 identification and analysis of potential impacts, and discussion of various Project
9 changes and other measures that, if incorporated into the Project, would mitigate
10 or avoid those impacts, such that no significant effect on the environment would
11 occur. The IS was conducted by the CSLC pursuant to section 15063 of the
12 State CEQA Guidelines.³
- 13 • Section 4 includes an environmental justice analysis and discussion consistent
14 with CSLC Policy.
- 15 • Section 5 presents the Mitigation Monitoring Program (MMP).
- 16 • Section 6 presents information on report preparation and references.
- 17 • Appendices. The appendices include specifications, technical data, and other
18 information supporting the analysis presented in this MND.
 - 19 ○ Appendix A. Air Quality Calculations
 - 20 ○ Appendix B. Special Status Species Tables
 - 21 ○ Appendix C. Explanations of Special Status Species Codes
 - 22 ○ Appendix D. Biological Assessment
 - 23 ○ Appendix E. Underwater Noise Assessment
 - 24 ○ Appendix F. Noise
 - 25 ○ Appendix G. Comment Letters Received

26 **1.5 PROJECT BACKGROUND AND OBJECTIVES**

27 GP Gypsum proposes to structurally upgrade several wharf components at the existing
28 GP Gypsum Antioch wharf (wharf/ship terminal) and meet the berthing requirements of
29 California Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)
30 (Cal. Code Regs., tit. 24, § 3101F et seq.). Although the wharf is not a marine oil
31 terminal subject to MOTEMS regulations, GP Gypsum proposes to use applicable
32 berthing and mooring provisions of MOTEMS in the design criteria because MOTEMS is
33 considered to be the “state of the art” design code. The wharf is in need of repairs
34 because of damage to the structures from years of use. The upgrades generally include
35 removing existing wooden structures, installing new concrete and steel structures, and

³ The State CEQA Guidelines are found in Title 14 of the California Code of Regulations, commencing with section 15000.

1 repairing the remaining existing wooden structures. Table 1.5-1 below lists the history of
 2 the facility and the events leading to the proposed Project.

Table 1.5-1. Sequence of Events Leading to the Proposed Project

Year	Events
1955	The wharf/ship terminal was built.
1984	The most recent wharf repairs were completed.
2007	CSLC notified GP Gypsum that a condition survey and berthing analysis of the wharf was required for lease renewal.
2008	Sea Engineering, Inc. (SEI) provided a baseline survey and reviews of the existing underwater and above water structures and developed a plan of action for improvements.
2011	The CSLC approved issuance of a new lease to Georgia Pacific Gypsum, LLC that included a requirement that the wharf be rehabilitated.
2012	GP Gypsum submitted plans for the wharf upgrade that were made a condition of the lease approved by the CSLC in 2011.
2013	CSLC staff accepted GP Gypsum’s preliminary plan; GP Gypsum submitted an application to amend the existing lease to allow for rehabilitation activities to proceed.
2013/ 2014	A feasibility study was performed to evaluate design alternatives.
2014	GP Gypsum selected the proposed Project design from the recommended design alternatives.

3 The proposed Project would help achieve the following objectives:

- 4 • Rehabilitate the facility by removing, installing, and repairing structures to
 5 maintain the essential and existing use of an industrial wharf facility for the GP
 6 Gypsum Antioch Plant (Plant);
- 7 • Obtain a new CSLC General Lease – Industrial Use, PRC 1589.1, in order to
 8 operate the facility after repairs are completed;
- 9 • Meet MOTEMS requirements;
- 10 • Improve safety and reduce possible risks to public recreational and commercial
 11 uses of the River around the wharf area;
- 12 • Safely accommodate larger vessels (terminal capacity, delivery schedules, or
 13 onshore Plant capacity or operations will not change);
- 14 • Help sustain the economic viability of a major industry and employer in Contra
 15 Costa County.

1 **1.6 PUBLIC REVIEW AND COMMENT**

2 Pursuant to State CEQA Guidelines sections 15072 and 15073, a lead agency must
3 issue a proposed MND for a minimum 30-day public review period. Local, regional,
4 State, and federal agencies and the public will have the opportunity to review and
5 comment on the document. Responses to written comments received by the CSLC
6 during the 30-day public review period will be incorporated as appropriate into the MND.

7 In accordance with State CEQA Guidelines section 15074, subdivision (b), the CSLC
8 will review and consider the proposed MND, together with any comments received
9 during the public review process, prior to taking action on approval of the MND and the
10 Project.

11 **1.7 APPROVALS AND REGULATORY REQUIREMENTS**

12 The CSLC's authority is set forth in Division 6 of the California Public Resources Code
13 and it is regulated by the California Code of Regulations, Title 2, sections 1900–2970.
14 The CSLC has authority to issue leases or permits for the use of sovereign lands held in
15 the public trust, including all ungranted tidelands, submerged lands, and the beds of
16 navigable lakes and waterways, as well as certain residual and review authority for
17 tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub.
18 Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or
19 ungranted, as well as navigable lakes and waterways, are subject to the protections of
20 the Common Law Public Trust. As general background, the State of California acquired
21 sovereign ownership of all tidelands and submerged lands and beds of navigable lakes
22 and waterways upon its admission to the U.S. in 1850. The State holds these lands for
23 the benefit of all people of the State for statewide Public Trust purposes, which include
24 but are not limited to waterborne commerce, navigation, fisheries, water-related
25 recreation, habitat preservation and open space. On tidal waterways, the State's
26 sovereign fee ownership extends landward to the mean high tide line, except for areas
27 of fill or artificial accretion. For the proposed Project, the CSLC has received an
28 application for an amendment to Lease No. PRC 1589.1 to authorize GP Gypsum to
29 perform the rehabilitation activities at the wharf/ship terminal.

30 The CSLC must comply with CEQA when it undertakes an activity defined by CEQA as
31 a "project" that must receive some discretionary approval (i.e., the CSLC has the
32 authority to deny the requested lease, permit, or other approval) which may cause either
33 a direct physical change in the environment or a reasonably foreseeable indirect change
34 in the environment. CEQA requires the CSLC to identify the significant environmental
35 impacts of its actions and to avoid or mitigate those impacts, if feasible.

- 1 In addition to the CSLC, the Project is subject to the review and approval of other
- 2 federal, State and local entities with statutory and/or regulatory jurisdiction over various
- 3 aspects of the Project (see Table 1.7-1).

Table 1.7-1. Other Agencies with Review/Approval over Project Activities

Permitting Agency		Anticipated Approvals/Regulatory Requirements
Federal	U.S. Army Corps of Engineers (USACE), Sacramento District	Clean Water Act (CWA) Section 404, Minor Impact Letter of Permission
	U.S. Fish and Wildlife Service (USFWS) National Marine Fisheries Service (NMFS)	Section 7 Consultation under Federal Endangered Species Act (if necessary)
State	California Department of Fish and Wildlife (CDFW)	California Endangered Species Act Fish and Game Code sections 1600-1616 Streambed Alteration Agreement
	Central Valley Regional Water Quality Control Board (CVRWQCB)	Clean Water Act Section 401 Water Quality Certification
Local	City of Antioch	Building Permit

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