



December 1, 2023

Ms. Brenda Goeden
Sediment Program Manager
San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105

**Subject: Oakland Turning Basins Widening Project Staff Summary
BCDC Consistency Determination Number: C2023.003.00**

Dear Ms. Brenda Goeden,

On behalf of the Port of Oakland (Port), I would first like to thank you for your continued support and assistance with ensuring the Port remains globally competitive to continue delivering economic prosperity to the region and investing in sustainable transportation projects. The Port remains committed in partnership with neighboring communities, local agencies, environmental organizations, and all levels of government to ensuring that decarbonization of the maritime sector remains among our highest objectives.

As you are aware, the United States Army Corps of Engineers (USACE) and the Port have partnered to conduct a feasibility study to evaluate changed conditions since the last federal navigation project in the Port. Specifically, the length of vessels calling the Port today are longer than vessels the turning basins were designed to accommodate. These longer vessels now represent more than half of the total vessels calling the Port today and due to the width of the existing turning basins, are restricted in how and when they maneuver to and from a berth. The added restrictions for long vessels lead to delays, inefficiencies, and cascading effects to vessels of all lengths. The feasibility study process has resulted in identifying a proposed project to reduce these restrictions and improve the safety of turning long vessels.

The Port submits this letter in response to the Bay Conservation Development Commission (BCDC) staff summary dated November 22, 2023. The Port's review is limited to reviewing the file posted on BCDC's website as a draft was not made available to the Port prior to public posting. Pursuant to the Port's review, misrepresentations and inaccuracies were found in the staff summary. To assist BCDC and to clarify the public record, this letter provides a summary of the Port's comments and concerns, as follows:

Background

The Port appreciates BCDC's attempt to describe the Port and its operations but notes there are inaccuracies in the description that are misleading and therefore may cause confusion. This includes an incorrect description of the number of operating marine terminals (four not three), the size of vessel the Port can currently accommodate, and failing to mention the expertise and interests of the San Francisco Bar Pilots in the proposed project. Further, and as a general note, statements are made without citing the source or describing the calculus for the data such as the mention of there being "...nine additional environmental justice communities are within a 1-mile radius of the project area" as this statement excludes the correlation of census tracts and environmental justice communities. Additionally, the term "historic" is randomly utilized in reference to fill material, quay wall at Howard Terminal, Alameda wharf, and Alameda

warehouses, which can mislead the public as both environmental reviews performed under NEPA and CEQA determined that no historic features would be impacted by the proposed project. For meaningful and transparent communication with the public, the Port requests BCDC to provide complete and consistent descriptions and reference data sources.

Project Purpose and Need

The staff summary generalizes the project purpose to large ship congestion in the Port channels. This representation does not provide a complete description of current restrictions, delays, and inefficiencies experienced by vessels of all lengths. By omitting the details of the project purpose and need, the staff summary oversimplifies and downplays the need and benefits of the proposed project. The Port requests BCDC to provide the public with a complete description of the project purpose and need.

Project Description

A complete project description is provided and available in the draft NEPA and CEQA documents. The Port strongly suggests that staff reference those documents for a complete and accurate description of the proposed project. Unfortunately, the staff summary omits significant details or incorrectly describes the proposed project. For example, the staff summary includes rehandling material at Berth 10 from the installation of electrical infrastructure at Berth 26 and dredging of the Outer Harbor turning basin, which is inconsistent with the project description in NEPA/CEQA. Additional confusion is added with the mention that dredging equipment for both turning basins is not defined. This is not consistent as the proposed dredge equipment for both turning basins would be a clamshell bucket dredger. The Port has committed to using an electric dredge to reduce air impacts from the dredging activities. Further misleading is the representation that the proposed project will impact the entirety of the Alameda wharf, two warehouses, and respective underlying land. In fact, the proposed project impacts only portions of each. To minimize confusion and to accurately represent the proposed project, the Port requests an accurate and consistent project description in the staff summary, which can be located in the draft NEPA and CEQA documents.

Public Access

The Port agrees with the representation of the challenges and infeasibility of public access at the Howard Terminal and Schnitzer Steel (now Radius Recycling) properties and further supports the same reasoning and conclusion of infeasibility of public access for the private Alameda property. Further, the Port does not find it appropriate to include reference to BCDC Permit number 1999.007.07 as there is no nexus to the proposed project.

Induced Growth

Of particular concern to the Port is the description of induced growth, which attempts to portend a causation of the proposed project and future cargo projection. It should be noted that the projected growth used in the NEPA and CEQA documents utilized the same forecast that BCDC commissioned and included in BCDC's San Francisco Bay Area Seaport Plan. A forecast of projected growth that notably, does not include the proposed project. Specifically, Figure 10 as referenced in the staff summary, is sourced and cited from the BCDC commissioned 2020 Tioga Report from projections developed by Moody's and Caltrans. The proposed project simply accommodates the forecast and does not induce growth. Similarly, the proposed project does not change the number of truck trips required to service the forecast. The proposed project accommodates a future whereby the cargo forecast is met with less total vessels. This is an important detail that the Port requests BCDC accurately represent with respect to the proposed project.

The Port appreciates BCDC's commitment to shared mutual goals of maintaining the Port of Oakland as a "major world port" and leader in the transition to a zero emissions seaport. Further, with the proposed project, various measures for the betterment of the environment are proposed including commitment to electric-powered dredging, beneficial reuse of 100 percent of all suitable material, lessening of noise and air quality impacts, and restoration of wetlands to further advance benefits of carbon sequestration and coastline resiliency in and around the San Francisco Bay.

If you have any questions or need more information, please call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colleen Liang', with a long, sweeping horizontal line extending to the right.

Colleen Liang
Acting Director of Environmental Programs and Planning
cliang@portoakland.com
Office: (510) 627-1198

Enclosure: Port Comment Spreadsheet

Cc: Kristi McKenney, Chief Operating Officer
Matthew Davis, Chief Public Engagement Officer
Bryan Brandes, Director of Maritime
Jason Garben, Manager of Project Management Services
Justin Taschek, Senior Maritime Projects Administrator
Khamly Chuop, Port Associate Environmental Planner/Scientist
Erika Powell, Senior Project Manager (USACE)
Eric Jolliffe, Environmental Manager (USACE)

Oakland Harbor Turning Basins Widening Project

Port Comment Log to BCDC Staff Report

Date: December 1, 2023

Comment No.	Comment Detail				
	Section	Subsection(s)	Page(s)	Port Comment	Proposed Resolution/Edits
1.0	Application Summary	Location	1	Mitchell Avenue is misspelled.	Include two Ls in Mitchell Avenue.
2.0	Application Summary	Project Description	1	The OHTB existing diameter is 1,650 feet (not 1,660 feet)	correct to 1,650
3.0	Application Summary	Project Description, OHTB.a.	2	All 1.3 cubic yards to be dredged at the OHTB is planned for beneficial reuse. The current description states that material may be disposed of for beneficial re-use or at an appropriate landfill outside the coastal zone.	Remove the statement that some material will be disposed of at an appropriate landfill outside the coastal zone.
4.0	Application Summary	Project Description, OHTB.a.	2	OHTB work also includes electrical infrastructure (near Berth 26) to support electric dredging.	Insert "Electrical infrastructure will be improved to support electric dredging near Berth 26." in the project description.
5.0	Application Summary	Project Description, IHTB.a.	2	The two warehouses will only be partially demolished; not wholly demolished.	Insert "portions of" in front of "two warehouses".
6.0	Application Summary	Project Description, IHTB.a.	2	Why refer to fill as historic and recent?	Suggest removing historic reference. If retained, define what historic is in reference to.
7.0	Application Summary	Project Description, IHTB.a.	2	The term of Alameda warehouses is not consistent (warehouse, shed, building)	Suggest using the term warehouse throughout and avoid using "shed" or "warehouse buildings".
8.0	Application Summary	Project Description, IHTB.a.	2	The term Alameda Terminal is not commonly used to describe this area.	Suggest using the term "Alameda Site" or "Alameda Property".
10.0	Application Summary	Project Description, IHTB.b.	2	Proposed Project includes installing switchgear not a new substation	remove "..., including a substation..."
11.0	Background	Port of Oakland	3	Port services domestic waterborne commerce in addition to international waterborne commerce	add "...for international and domestic waterborne cargo..."
12.0	Background	Port of Oakland	3	There are four container terminals at the Port; not three.	correct to four container terminals
13.0	Background	Port of Oakland	3	Although the Port can accommodate a variety of ship sizes, many of the ships are accommodated with restrictions.	Replace the sentence "The Port is currently capable of accommodating vessels up to 18,000 twenty-foot equivalent containers (TEU) capacity." with "The Port can accommodate ships up to a length of 1,115 feet with no restrictions. Ships longer than this length can be accommodated with restrictions."
14.0	Background	Port of Oakland	3	The San Francisco Bay Pilots (SFBP) has also confirmed TB widths are not for size of container vessels now calling the Port.	add "According to the USACE, Port, and San Francisco Bay Pilots (SFBP), the current turning basins widths are too narrow for the longer vessel classes that visit the Port, and therefore..."
15.0	Background	Port of Oakland	3	Not all ships that call the Port are able to use the turning basins.	Replace the sentence "When ships come to call at the Port, they use turning basins located at the outer harbor and inner harbor turn around either to enter or exit a berth to offload cargo." with "The purpose of the turning basins is to accommodate the efficient and safe transit of vessels calling the Port."

16.0	Background	Surrounding Communities	3	<p>Confirm accuracy of three EJ communities located within 0.5-mile and nine EJ communities located within 1-mile. Per Revised Draft IFR/EA, Section 3.1.2 and Table 7, it appears that there is only one EJ community within 0.5-mile.</p> <p>States there are "nine additional environmental justice communities within a 1-mile radius of the project area."</p> <p>Unclear where this information comes from. The EJ Mapping tool does not reveal 9-additional communities within this area.</p>	<p>Correlate census tracts and environmental justice communities. There are three census tracts within 0.5-mile of project area that are considered minority environmental justice communities.</p> <p>Revise "nine additional environmental justice communities within a 1-mile radius of the project area" to be "nine census tracts that are considered minority environmental justice communities of concern". (see Revised Draft IFR/EA, Section 3.1.2 and Table 7).</p>
17.0	Background	Surrounding Communities	4	Bay Area Air Quality Management "Board"	Replace with "Bay Area Air Quality Management District"
18.0	Background	History of Fill and Commission Jurisdiction, first paragraph	4	Suggest including the year the Commission was established to be helpful for the public.	add year Commission was established
19.0	Background	History of Fill and Commission Jurisdiction, first paragraph	4	The last sentence states "Areas that were previously Bay jurisdiction but were subsequently filled after the Commission's establishment, retain Bay jurisdiction." What is Bay jurisdiction vs. Commission jurisdiction?	Describe difference
20.0	Background	History of Fill and Commission Jurisdiction, 2. Howard Terminal	4	Quay wall is not behind Howard Terminal	replace "behind" with "within"
21.0	Background	History of Fill and Commission Jurisdiction, 3. Alameda	2, 4,	<p>The Draft EIR (Section 3.5, Cultural Resources) determined that no historic features would be impacted by the proposed project.</p> <p>BCDC refers to wharf and warehouses as historic</p>	Remove "historic" when referring to the warehouses and the wharf in Alameda.
22.0	Background	History of Fill and Commission Jurisdiction, 3. Alameda	5	Requests clarification between jurisdiction Bay fill versus shoreline band. There is a reference to California Attorney General's determination, however, no additional information is provided.	cite the determination
23.0	Background	History of Fill and Commission Jurisdiction, 3. Alameda	4	<p>The wharf at the Alameda Site is not considered historic.</p> <p>Item 3 refers to historic wharf at the Alameda site--How does the existing wharf compare to the historic wharf?</p>	Remove historic when referencing the wharf at Alameda.

24.0	Project Purpose and Need		5	Indicates the turning basin widening is to "reduce large ship congestion within the harbor." The proposed project would assist in reducing all ship congestion within the bay and is not relegated to only assist in congestion related to large ships.	Project purpose objectives include: <ul style="list-style-type: none"> • Optimize transit efficiencies for commercial deep draft vessels across the entire Seaport for both the current and the projected increase in the frequency of calls to the Seaport by longer vessels; • Maintain the Port's competitiveness as the principal ocean gateway for international cargo shipments in Northern California; • Improve flexibility for commercial deep draft vessels calling the Seaport to connect to shore power to reduce their emissions while at berth, in alignment with the Port's vision of a zero emissions Seaport; • Improve conditions for vessel maneuvering and safety, including reducing environmental risk associated with existing maneuvering limitations; • Modernize essential waterway infrastructure to fully accommodate the projected fleet mix of vessels calling the Seaport.
25.0	Project Purpose and Need		5	The -50 Foot Project also widened the turning basins to their existing widths today. Also, the IAR is not accurately described.	replace "The -50 Foot Deepening Project widened portions of the Federal navigation channel, including both turning basins, and deepened the navigation channel and turning basins from minus 42 feet Mean Lower Low Water (MLLW) to minus 50 feet MLLW to accomodate larger vessels."
26.0	Project Purpose and Need		6	Specifically, vessel length has increased to exceed predictions resulting in reduced efficiencies when large vessels are turning around to enter or leave the Port, slowing vessel traffic and causing congestion in the Port channels.	replace "...resulting in reduced efficiencies and suboptimal conditions when large (longer than 1,115 feet) vessels are turning around to enter or leave the Port. Vessels longer than 1,115 feet are restricted in how and when they transit to and from a berth, leading to inefficiencies and delays and further cascading effects to smaller vessels"
27.0	Project Purpose and Need		6	The primary factor for the widening the turning basins is vessel length. Vessels that are 1,310 feet long have a minimum TEU capacity of 15,000 TEU. Not all 1,310-foot long vessels have a TEU capacity of 19,000. Revise for accuracy.	Replace "19,000" in the text and table to be "a minimum TEU capacity of 15,000" and ">15,000", respectively.
28.0	Project Purpose and Need		7	The Port released a Draft Environmental Impact Report on October 2, 2023.	For the last sentence in this section: Revise to include the the Port published the Draft Environmental Impact Report on October 2, 2023 and is currently in the public review and comment period with comments due December 18, 2023.
30.0	Project Description	Outer Harbor Turning Basin	8	All material dredged at the OHTB is planned for beneficial re-use as either cover or foundation material.	Remove reference to bring dredge material to Berth 10.
32.0	Project Description	Outer Harbor Turning Basin	9	Debris from electrical infrastructure improvements near Berth 26 would be recycled, reused or disposed of at an appropriate landfill. Material would not be brought to Berth 10 for rehandling and eventual recycling, etc.	Remove reference to bring debris to Berth 10.

33.0	Project Description	Inner Harbor Turning Basin, b. Alameda	10	Alameda Terminal. At this terminal, the project would begin with demolition of the two warehouse buildings, asphalt, and concrete pavement. Next it would install the new bulkhead, remove the wharf face, piles, and excavate soil approximately 15 feet below ground surface to MHW between the new and existing bulkheads.	Only <u>portions</u> of two warehouses would require demolition. Revise to indicate demolition of "portions of two warehouses".
34.0	Project Description	Inner Harbor Turning Basin, b. Alameda	10	Inner Harbor sediments refers to the waterway area between Howard Terminal and Schnitzer Steel	remove "... of Inner Harbor sediments..."
35.0	Project Description	Inner Harbor Turning Basin, end of subsection	10	Text indicates that "proposed dredge equipment for both turning basins is not is defined", however, dredging equipment will be a clamshell bucket dredger (see Appendix A7: Avoidance and Mitigation Measure, Dredging Related Measures). Silt curtains will be used as needed.	Revise the paragraph with the proposed changes in underline/strikeout: "The proposed dredge equipment for both turning basins <u>would be a clamshell bucket dredger and</u> the Port has committed to using an electric dredge to reduce air impacts from the dredging activities. <u>Silt curtains will be used if determined to be needed</u> to reduce turbidity from the project."
38.0	Bay Fill	Table 1. Proposed Fill Removal	11	calculation for fill removal at Alameda is not clear (less than Howard Terminal)	clarify asterik
40.0	Inner Turning Basin-- Wharf and Land Excavation and Dredging	1. Howard Terminal, a. Remedial Action Order	13	Howard Terminal is approximately 50 acres. Contamination are more attributed to historic land uses.	Change 53 acres to 50 acres. Although the restrictions apply, most of the areas of concern are to the north of the proposed project and are largely attached attributed to underground storage tanks and historic industrial land uses including coal gasification occurred.
41.0	Inner Turning Basin-- Wharf and Land Excavation and Dredging	1. Howard Terminal, b. Contaminants	13	The former underground storage tank was located near the area proposed for excavation. Material disposed of at a landfill is usually not referred to as landfill cover.	As part of a previous actoin, an underground waste oil storage tank (hydrocarbons) was removed from a poriton nearby the area proposed for excavation. The level of hydrocarbons present in the sediment would preclude beneficial reuse of the sediment as cover quality, but it could be used in landfill cover or as potentially as foundation quality sediment or disposed of at an appropriate landfill.
42.0	Inner Turning Basin-- Wharf and Land Excavation and Dredging	2. Alameda	13	Define PAHs has polycyclic aromatic hydrocarbons (PAHs).	define PAH
43.0	Inner Turning Basin-- Wharf and Land Excavation and Dredging	3. Schnitzer Steel	15	Reference to intial testing found contaimants.	Cite the source.
44.0	Inner Turning Basin-- Wharf and Land Excavation and Dredging	3. Schnitzer Steel	15	last paragraph refers to sediments at large when it appears the intenion was refering to surface sediments	Therefore it is unlikely that testing will find these <u>surface</u> sediments suitable for use at a wetland restoration site, and most likely would require landfill disposal.

45.0	Natural Resources		15	The Outer Harbor Turning Basin widening would result in a loss of 20 acres of shallow subtidal habitat when it is dredged to minus 50 feet MLLW.	Cite the source.
46.0	Natural Resources		16	Silt curtains would only be used if determined to be needed based on results from testing during the pre-construction and engineering phase.	In order to reduce these impacts, the USACE proposes to use silt curtains <u>if determined to be required based on results from testing during the pre-construction and engineering phase.</u>
47.0	Public Access		17	Middle Harbor Shoreline Park, Jack Londong Square, Bay bridge, Bay 37 waterfront provide neighboring communities access to the Bay.	suggest removing. It is also important to note that the communities adjacent to the Port have extremely limited opportunities to access the Bay.
48.0	Public Access	2. Alameda	17	The proposed project area in Alameda is a privately-owned site. Future public access may be limited. Only portions of the two warehouses would be demolished.	Add the following sentence to the end: "The site is privately-owned property therefore public access may not be feasible at this location."
49.0	Public Access	2nd to last paragraph on this page.	17	The Port is collaborating with MTC, the City, and BCDC on an alternative location for the bike/pedestrian path instead of Middle Harbor Road. We do not believe it is necessary to reference this permit or highlight solutions in the application summary.	Remove "The Port of Oakland has an outstanding public access improvement for bicycle and pedestrian facilities along Middle Harbor Road, (BCDC Permit no. 1999.007.07) that would benefit from an improved connection to the Jack London Square area."
50.0	Public Access	2nd to last and last paragraph.	17	If public access is required the Port will continue to collaborate with BCDC on feasible opportunities. Same truck traffic with and without proposed project. No increase to landside capacity with proposed project.	However, the Port as the local project sponsor, will be seeking a permit for this project in 2025 and could provide public access as a "betterment" to the USACE project, <u>if required and deemed feasible.</u> For example, it is possible with the increased capacity of the turning basin that there will be an increase of truck traffic on the roadways; The Commission staff has discussed with the Port public access opportunities that could be provided when the Commission considers a permit application for the project in 2025. In the intervening period, the Commission may request that staff work with the USACE and the Port to develop a memorandum of understanding/agreement and/or condition the Letter of Agreement to support the inclusion of public access in this project in the future.
51.0	Environmental Justice and Social Equity	Community Engagement	19	Port held 6 public meetings for draft EIR	Port's CEQA process, five <u>six</u> additional public meetings were held. The CEQA comment period ends December 18, 2023.

52.0	Environmental Justice and Social Equity		19	This section describes impacts to nearby communities but could be interpreted as permanent impacts. It should be noted that the impacts analyzed are related to construction activities only and therefore temporary in nature.	Revise the the section with the proposed changes in underline/strikeout: The USACE evaluated the potential environmental effects <u>from the construction activities</u> of the project and whether the project would result in significant adverse human health or environmental resource impacts that disproportionately harm environmental justice communities. The NEPA analyses for all resource topics concluded that the project would not result in significant effects on the environment, and there would not be disproportionate adverse impacts to the surrounding environmental justice communities. The Port has recently released its draft California Environmental Quality Act (CEQA) document <u>Draft Environmental Impact Report (Draft EIR)</u> and is currently receiving comments. The draft CEQA analysis <u>EIR</u> finds that even after proposed mitigation, the project would have significant and unavoidable <u>temporary</u> air quality impacts to the nearby communities <u>during construction activities</u> .
53.0	Environmental Justice and Social Equity	Community and Agency Concerns	20	In the third paragraph, second sentence, California Air Resources Board is incorrectly referenced.	Revise the sentence with the proposed change in underline/strikeout: "The California Air <u>Resources</u> Board points out..." ; however, see next comment.
54.0	Environmental Justice and Social Equity	Community and Agency Concerns	20	The third paragraph discusses California Air Resources Board's comments that future growth "appears" to support that the proposed project induces growth. It should be noted that the projected growth used in the Revised Draft IFR/EA as well as the Draft EIR used the same forecast that BCDC commissioned and utilized in its recently updated Seaport Plan. The proposed project did not prepare its own forecast. The proposed project is accommodating BCDC's forecast.	Revise the paragraph with the proposed changes in underline/strikeout: "In comments on the draft Integrated Feasibility Report/Environmental Assessment, the communities and agencies raised the issue of induced growth at the Port from an increase in efficiencies for large vessels. The California Air Board points out that the DFR/EA, Figure 10 depicts the Port's future growth, with a sharp increase in growth in and after 2029, when the turning basin widening project would be complete. This figure appears to support the contention that the wider turning basins may induce growth of cargo in and out of the Port, presumably relying on trucks and rail to import and export cargo container through the Port facilities. The indirect effects of this induced growth, truck traffic, emissions, dust, noise, and safety concerns, were not fully analyzed in the USACE's analysis. The Revised DFR/EA and the Draft EIR for the proposed project used the forecast commissioned by BCDC and included in BCDC's San Francisco Bay Area Seaport Plan. The proposed project is <u>accommodating the forecast and not inducing growth.</u> "
55.0	Proposed Mitigation		21	Pile driving hours would be consistent with construction activity hours from 7 am to 7 pm, not to 10 pm as indicated.	7 am to <u>7</u> pm...

56.0	Schedule and Cost		21	This should be written to be easier to understand. First sentence states construction will be conducted 24 hours, seven days a week; this only applies to dredging activity. Pile driving hours would be consistent with construction activity hours from 7 am to 7 pm, not to 10 pm as indicated.	7 am to 7 pm...
57.0	Staff Notes	NEPA Review	22	no mention of first draft IFR/EA	add draft IFR EA was released December 2021
58.0	Staff Notes	CEQA Review	22	Include the specific date of October 2, 2023 that the Draft EIR was released.	add date



City of Alameda California

December 6, 2023

San Francisco Bay Conservation &
Development Commission
375 Beale Street
San Francisco, CA 94105

RE: Oakland Turning Basin Widening Project, BCDC Consistency Determination Request
No. C2023.003.00

Dear Commissioners,

As the Mayor of the City of Alameda, I urge you to carefully consider how the proposed US Army Corps of Engineers' Port of Oakland Outer and Inner Harbor Turning Basins Widening Project could potentially affect the City of Alameda's shoreline.

Within the City of Alameda, the proposed location for the widened Inner Harbor Turning Basin is a privately-owned site that is described in the BCDC Application Summary as the "Alameda Terminal." The site, however, is not a shipping terminal nor a port terminal. Rather, this private property is located within an area governed by the Alameda Landing Master Plan. Greater Alameda Landing, much of which is now built and occupied, is a large mixed-use development that includes jobs, housing, and retail. The proposed Inner Harbor Turning Basin is located specifically in an area known as the Alameda Landing waterfront.

Sea Level Rise. As described in BCDC's Application Summary, the Inner Harbor Turning Basin would be expanded by 20 acres by conducting activities at the Alameda Landing waterfront that include, in part, demolishing two privately-owned warehouse buildings, removing asphalt and concrete, installing a new bulkhead along the Alameda shoreline, removing the wharf face, and excavating soil. In accordance with BCDC's Bay Plan policies on Climate Change, the City of Alameda expects that the proposed bulkhead has been or will be designed such that the Alameda shoreline will be resilient to flooding and have the capacity to adapt to future climate change impacts. Although the Inner Harbor Turning Basin is critical infrastructure that has regional benefits, we trust that the Commission will assess any regional benefits in light of the risk of future flooding along the City of Alameda's shoreline.

Office of the Mayor

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Alameda, California 94501
510.747.4701

Public Access. Along the Alameda Landing waterfront, the existing warehouses and wharf area that would be demolished for the proposed Turning Basin are currently planned for future jobs, whether it be for maritime commercial, office use, research and development, or another use. The total area of the warehouses and wharf is approximately 18 acres, 6.5 acres of which are proposed to be demolished for the proposed turning basin.

To accommodate the existing maritime commercial land use within the existing warehouses, the Master Plan removed the obligation to provide waterfront public access in front of the warehouses. However, the Master Plan states that if the existing warehouses are ever redeveloped with new construction, then waterfront open space and view corridors must be provided. If a portion of the Alameda Landing waterfront is purchased for the proposed Turning Basin Project, the City of Alameda would expect that the new owners would expand the nearby Alameda Landing waterfront park (named Bohol Circle Immigrant Park) to and along the widened Turning Basin. A project without waterfront public access and open space would require an amendment of the Alameda Landing Master Plan.

Thank you for your attention to this matter. Recognition of the Alameda Landing waterfront, including its future use and continued viability, must be central to your consideration of the federal consistency determination in front of you.

For questions, please contact Allen Tai at atai@alamedaca.gov.

Best Regards,

A handwritten signature in blue ink that reads "Marilyn Ezzy Ashcraft". The signature is fluid and cursive, with the first name "Marilyn" being the most prominent.

Marilyn Ezzy Ashcraft
Mayor of Alameda

MEA:mk

December 6, 2023

Mr. Zack Wasserman, Chair
San Francisco Bay Conservation & Development
Commission 375 Beale St., Suite 510
San Francisco, CA 94105
Submitted via email to publiccomment@bcdc.ca.gov

**SUPPORT: Consistency Determination for Oakland Turning Basins Widening Project
US Army Corps of Engineers, Applicant (12/7/23 BCDC Agenda, Item #10)**

Chair Wasserman and Commissioners:

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), marine terminal operators and ocean-going vessel owners and operators that operate at all of the San Francisco Bay's public ports, including the majority of ocean carriers calling on and all of the marine terminals operating at the Port of Oakland, thank you for the opportunity to provide comments for the public hearing on the BCDC Consistency Determination for the Oakland Turning Basins Widening Project (US Army Corps of Engineers, Req. No. C2023.003.00).

We respectfully request that BCDC find that the project, as currently proposed, is consistent with the Bay Plan, Seaport Plan, and appropriately addresses all BCDC policies and requirements, including those policies regarding bay fill and public access.

PMSA supports the Oakland Harbor Turning Basin Widening project and the efforts of the US Army Corps of Engineers (USACOE) and the Port of Oakland to move forward with this widening project as expeditiously as possible. The Turning Basin widening project will improve safety margins and reduce risks of accidents, increase efficiency, protect economic competitiveness, facilitate realization of existing growth profiles already built into long-established terminal financing and environmental mitigation baselines, and will improve the environment by reducing emissions per vessel and cumulative total vessel emissions through improved efficiency and avoiding cargo diversion.

The existing channel and turning basins were designed for pre-panamax container vessels which were state of the art 25 years ago – and which carried 1/3 the capacity of today's ultra-large container vessels. While larger ships have been able to be accommodated, these vessels are not operating at maximum efficiency and have little to no margin for error upon their approach or departure within the turning basin. These current limitations on the Port of Oakland stem directly from the size and dimensions of the current turning basins, not from the balance of the channels which continue to be maintained at the depths authorized by the -50 Foot Project or the landside capacity of marine terminals themselves.

Turning basin expansion is consistent with the fundamental premise of the Seaport Plan that emphasizes the need to preserve bayfront lands and access to navigation, commercial seaport development, and the industrial needs of a working waterfront. These are unique and legally protected and preferred uses of the California economy under the McAteer-Petris Act and widening the turning basins facilitates these uses and will avoid future development pressure from seaports to increase the intensity of Bay fill.

PMSA submitted comprehensive written comments on both the initial and subsequent USACOE Environmental Assessment and Feasibility Report for this project, as well as on the Port of Oakland Notice of Preparation of its Draft Environmental Impact Report, and incorporates by reference those comments here.

With respect to all the specific issues raised in the Staff Report, we offer the following comments for the Commission's consideration:

- Turning Basin Widening is consistent with the Seaport Plan. In fact, the BCDC Seaport Planning Advisory Committee recommendations for both BPA #1-19 and BPA #2-19 included considerations for, and provided their projections of, future Port of Oakland needs conditionally on the completion of this project. Therefore, the universe of Seaport Plan scenarios which were subsequently adopted by BCDC for both Bay Plan Amendments were thus predicated upon an analysis which planned for and included consideration of the expansion of the Port of Oakland turning basins. Moreover, we would note that PMSA and others asked for the specific retention of the Port Priority Use designation for those portions of Howard Terminal identified as Maritime Reservation Area for potential usage as turning basin widening as part of the BPA #2-19 consideration process. At the time, BCDC found such a designation unnecessary on the theory that turning basin widening was not required to be a Port Priority Use under the Seaport Plan. If that theory is consistently applied here, turning basin widening can be found consistent with the Bay Plan whether designated as a Port Priority Use under the Seaport Plan or not.
- Consistency Determination Does Not Require Provision of New Public Access, Nor Should Public Access Without Nexus to the Turning Basin Widening Be Considered. The Seaport Plan does not require public access for maritime industrial projects, even if such uses may be allowed or should be encouraged. This project nonetheless does provide such an opportunity: as noted in the Staff Report (at page 17) that with respect to the Alameda side of the project there is “no current public access, but there is a potential future public access to the shore and new viewsheds would be created when the warehouses are demolished, as well as potential connections to recently developed public access at the adjacent Alameda Landing site.” For purposes of a plan consistency determination approval for a project which USACOE has designated as purely a navigational improvement project this is sufficient. We are concerned about the provisions in the Staff report that discuss that there might be an attempt to create some sort of public access nexus between this navigational project and either the provision of bicycle and pedestrian facilities on Middle Harbor Road or improved connections to the Jack London Square area for future project permits. The Turning Basin projects have literally no connection to these other projects or access issues. Nor is there a nexus based on “the increased capacity of the turning basin” and “an increase of truck traffic on the roadways.” BCDC as a responsible agency and permitting party, as well as other members of the public for that matter, have already had the opportunity to provide mitigation measures for marine terminal operations at the Port of Oakland, including truck volumes to the capacity of the terminal. These will not change as a result of the turning basin widening project; therefore, these mitigation suggestions have no nexus for future permitting consideration.

- Community outreach on this project has been extensive. Both USACOE and the Port of Oakland have engaged in exceptionally robust communication with the public on the subject of these projects and received robust feedback both positive and negative in response. On the question of mitigation of disproportionate impacts, not only will the project itself result in cleaner air and lower intensity of community impacts per container, but the preferred alternative for this project will be the less environmentally impactful electric dredging option.
- Bay Fill is reduced under the Turning Basins Widening Project. Regarding Bay fill policies, we would note that this project is a net negative 7.6 acres of bay fill – meaning that it is removing existing piers, structures, and previously-filled lands. As this project removes fill, enhances waterfront uses, and reduces the risks of degradation of the marine environment all at the same time, it is consistent with BCDC policies and promotes the principal purposes of the McAteer-Petris Act.

Thank you for the opportunity to provide our support for the adoption of this Consistency Determination. Please do not hesitate to contact me regarding this or any other issues related to seaport development.

Sincerely,



Mike Jacob
Vice President & General Counsel

cc: Larry Goldzband, Executive Director, BCDC
Brenda Goeden, BCDC
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