

RE: Public Comments on Oakland Harbor Turning Basins Widening Project

I write as an Environmental Justice Advisor of the San Francisco Bay Conservation and Development Commission (BCDC) regarding the future of the Oakland Harbor Turning Basins Widening Project currently being considered in the permitting process of BCDC and undertaken by the Port of Oakland and the United States Army Corps of Engineers. **Frontline communities like mine in West Oakland already bear the brunt of toxic pollution at the hands of corporations that operate out of the Port of Oakland**—our youth, elders, and vulnerable neighbors suffer worst from poor air quality, toxic soil and runoff, and flooding exacerbated by the ongoing development of our Bay.

I am in agreement with West Oakland Environmental Indicators Project (WOEIP), a local organization in my community, that **a full environmental review that accounts for the emission reduction commitments made by the Port and City agencies must be conducted prior to any further permitting and approvals.** The Port has failed to consider how the expansion project and subsequent increase in ship traffic will impact my community for generations to come.

The current Draft Environmental Impact Report for the project by the Port of Oakland is inadequate, and I'm asking alongside other community-members:

- *What will the impact be on our air?* Inviting more megaships to the area may increase particulate matter emissions and other harmful air pollutants.
- *What will the use of fossil fuels and subsequent pollution look and feel like for our communities?* Higher traffic may lead to more idling, gas-powered trucks, and a slow electrification process by the Port leaves us at risk of an increase in pollutants on our air quality.
- *What will the impact be on traffic?* More megaship visits likely mean a greater need for trucks to drive through West Oakland to visit the Port. This may lead to more traffic and congestion in our residential streets, where we live, work, and worship.
- *What is the plan for waste removal?* There is no commitment to a plan where dredged material will be dumped, and we have not seen any analysis of the impact of carrying this toxic load throughout roadways of the Bay Area that can put more communities at risk. Similarly, there is no analysis of increased risk of public health hazards due to the increase in maritime traffic—shipping accidents, oil spills, and dangerous situations.
- *How will this harm our beloved Bay and the wildlife that call this ecosystem home?* There is no analysis of the increase in use of fossil fuels on wildlife in the Bay, nor a report on how the removal of 2 million cubic yards of dredged soil will impact local ecology.

I urge BCDC to consider: who is benefiting from this expansion? All reports show that there is very little being offered to the West Oakland community, and that we will be left to pay the price in increased emissions, worsened air quality crisis, and the harms of ongoing operations of a Port that has already harmed our neighborhoods for decades.

I do this work because I envision a future where all communities across race and class have the ability to thrive with clean air, safe drinking water, and adequate housing conditions. It is essential that communities impacted first and worst by climate change like mine have the opportunity to be considered as priorities in projects like these; our children, our streets, and our futures deserve an expansion of possibility beyond pollution.

Thank you, and I look forward to your response.

Selena Feliciano

Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission
National Campaign Coordinator, Energy Democracy Project

Co-signed by

Julio Garcia

Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission
Executive Director, Rise South City

Violet Saena

Executive Director, Climate Resilient Communities
Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission
Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission

From: Arthur Boone

Sent: Friday, December 8, 2023 8:10 PM

To: Riley, Kathryn@BCDC

Subject: Re: Vote on BCDC Consistency Determination Concurrence Request No. C20203.003.00;
Oakland Turning Basins Widening Project

I hope BCDC is considering the virtue of extensive tree planting in the land formerly landfills-in-the-bay; there's also more space in the freight-in-and out area without curtailing business.

It's the commerce of the Port of Oakland that results in CO2 numbers twice as high in the area nearby as at the tip of the Oakland hills. WOEIP has done a lot fo help but lots of the other carbon-eating work can and should be done.

Arthur R. Boone, Center for Recycling Research. 510/910-6451

Also Founder of the Sierra Club tree team, flourished 2010-2020.

From: David Wofford

Sent: Monday, December 18, 2023 10:26 PM

To: Erika Powell; Justin Taschek; Goeden, Brenda@BCDC

Cc: Katie Noonan; James Covell; James Carlton; Dick LMI Susan; JOHN BOWERS; Bill Withrow; James Vann; Damon Tighe; Terri Fashing

Subject: Turning Basins Widening Project

Dear Brenda Goeden, Erica Powell and Justin Taschek,

Thank you all for your work and effort towards keeping our Port operations safe, efficient, and competitive.

I am David Wofford, Co-chair of the **Rotary Nature Center Friends** at Lake Merritt. We are a non-profit organization, practicing and teaching environmental stewardship at Lake Merritt, our nation's first Wildlife Refuge.

The basics of our programming include developing and maintaining restoral marsh lands at lake Merritt. We provide more than 1500 instructional hours a year to students from more than a dozen schools. We also work with student on native plant species identification and planting, wildlife behavior, adaptations and habits.

We serve the general public through a myriad of programs regarding environmental stewardship, protection and restoration of tidal marshlands, sea-level rise, and the impacts of human activity on Lake Merritt.

We also regularly tour the shipping channel sharing about the history and development of the Port of Oakland, and the significance of its role in facilitating the importation of goods from the pacific rim.

As you may know Lake Merritt is a tidal marshland resulting from fresh water draining from the east bay hills and mixing with incoming salt water from San Francisco Bay.

The Wildlife Refuge at Lake Merritt is directly connected to the channel where the inner harbor widening project will take place. This proximity to the widening project and the continuous exchange of water between Lake Merritt and the shipping channel has us very concerned in case there be any negative impact on the fragile ecosystem that we call the "Jewel of Oakland".

I have endeavored to find in your draft EIR, a specific reference to an analysis of any potential harmful impacts on Lake Merritt that may occur as a result of the Turning Basins Widening Project. If there is such an analysis, please assist me in finding it in the report. If not, please explain to me how/why such an analysis is not necessary and required.

Thank you,
David Wofford, Co-chair
Rotary Nature Center Friends

cc

Katie Noonan, Co-chair RNCF
Jim Covell, RNCF Board member
James Carlton, RNCF Board Member
Dr. Dick Baily, Lake Merritt Commons
John Bowers, Measure DD Coalition
Bill Withrow, Measure DD Coalition
James Vann, Measure DD Coalition
Damon Tighe, Marine Biologist
Terry Fashing, City of Oakland

From: Richard & Susan

Sent: Tuesday, December 19, 2023 10:17 AM

To: David Wofford

Cc: Erika Powell; Justin Taschek; Goeden, Brenda@BCDC; Katie Noonan; James Covell; James Carlton; JOHN BOWERS; Bill Withrow; James Vann; Damon Tighe; Terri Fashing; Yin, Tong@Waterboards; Lunde, Kevin@Waterboards; Eli Kersh

Subject: Re: Turning Basins Widening Project

If a severe sediment load from widening the turning basin is ever poised to enter the Lake Merritt channel on an incoming tide, the tide gates should be temporarily closed for a few hours to prevent that from happening.

Given the existing SCADA controls over the gates, this could hopefully occur automatically based on a signal from a sensor that detected sediment in the channel near the mouth. (Eli: is this possible?).

A similar approach should be taken in case of a gasoline or oil spill into the channel from the adjacent interstate highway or the inner harbor (i.e. close the gates and keep it out of the Lake). There are (or were) absorbent booms located adjacent to the tide gates on the downstream side near the Laney College parking lot.

This is a simple approach (using the gates to prevent pollution) that can be implemented without much cost, and which would prevent significant damage to the wildlife refuge.

Please add this comment to those for the draft EIR.

Richard Bailey
former SF District COE employee

OAKLAND HARBOR TURNING BASINS WIDENING PROJECT

COMMISSION STAFF RECOMMENDATION

Brenda Goeden, Sediment Program Manager
December 21, 2023

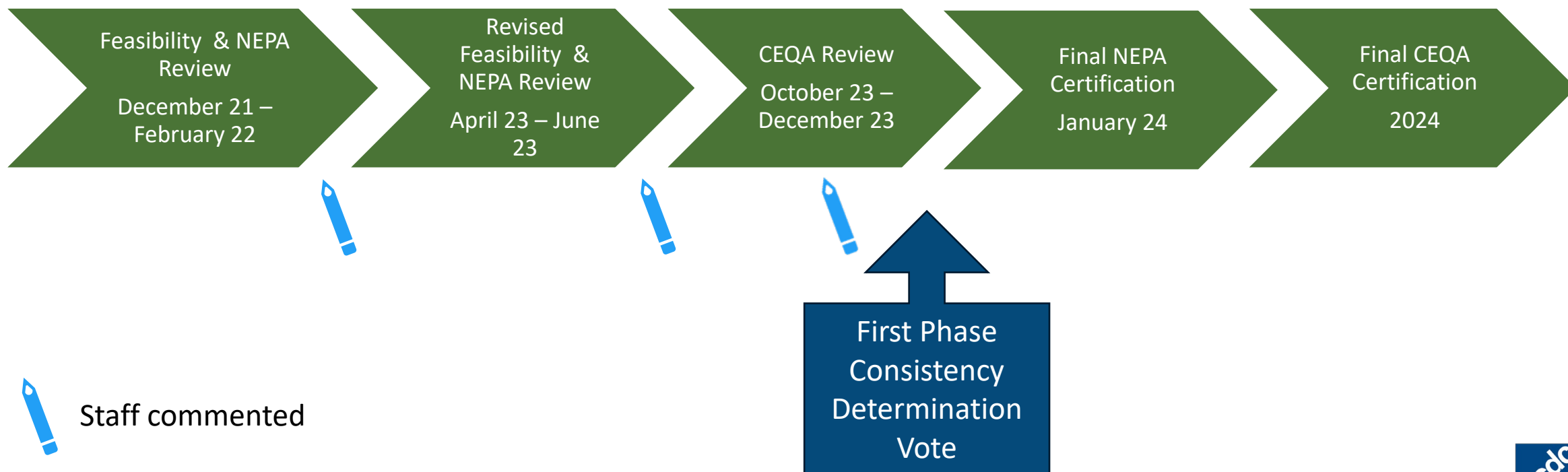


CONTEXT

- First Phase Consistency Determination
- Second Phase anticipated in 2026
- USACE Preconstruction, engineering, and design phase
- Supports USACE Staff Report to Headquarters “Chief’s Report”
- Allows for potential authorization in WRDA 2024 and appropriations by Congress

*WRDA is the Water Resources and Development Act

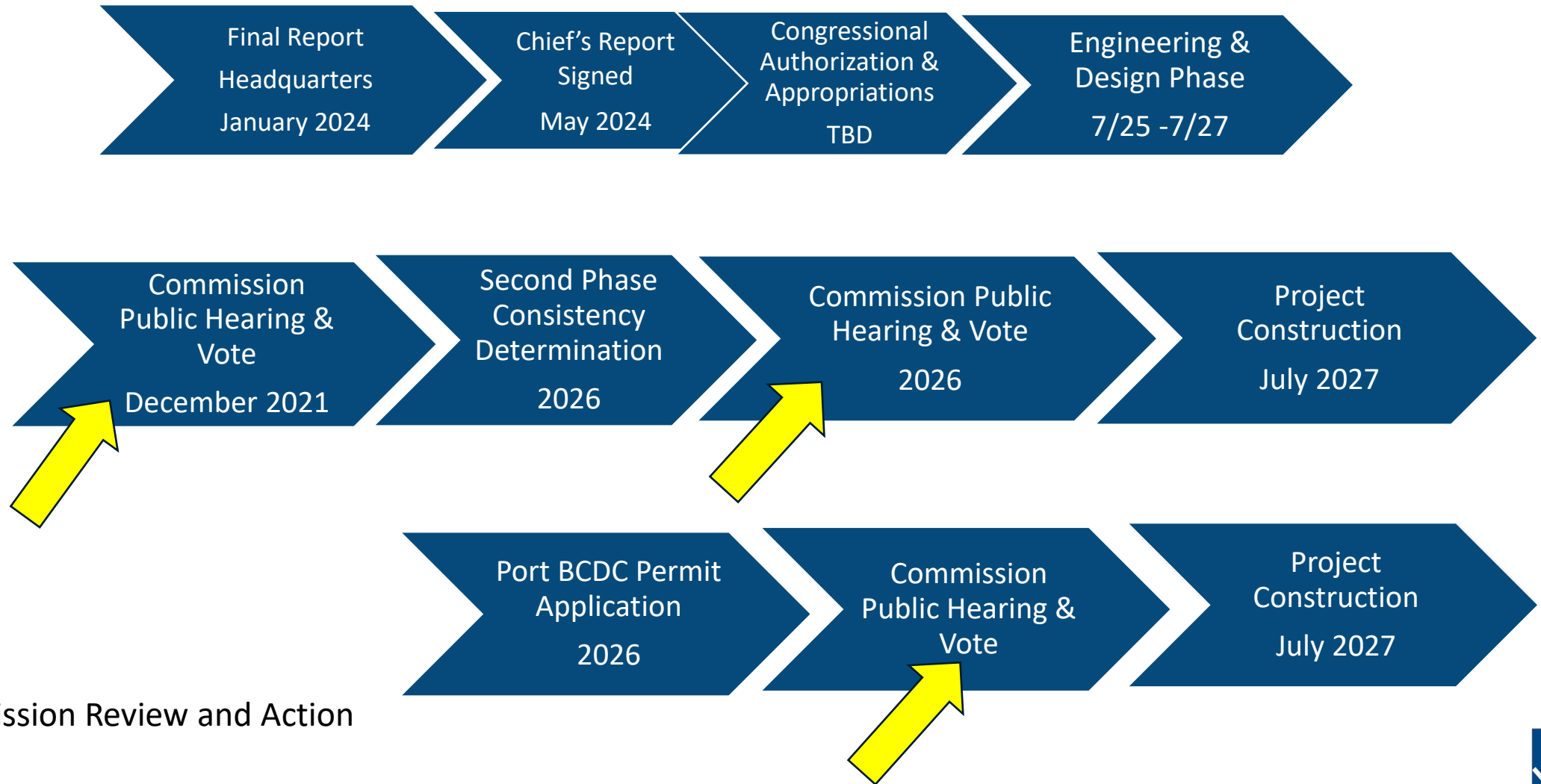
Environmental Review Timeline



Staff commented

December 21, 2023

Project Concurrence & Authorization Timeline

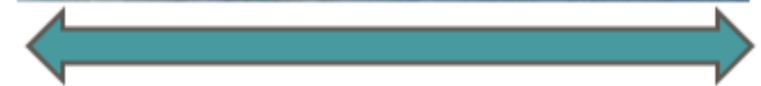


PROJECT DESCRIPTION

Expand the Outer and Inner Harbor Turning Basins to:

1. Reduce inefficiencies at the Port
2. Reduce the need restrictions for current and future vessels calling at the Port
3. Improve ability of vessels to connect to shoreside electrical power
4. Improve vessel maneuvering and safety
5. Reduce environmental risk of vessels existing turning basins

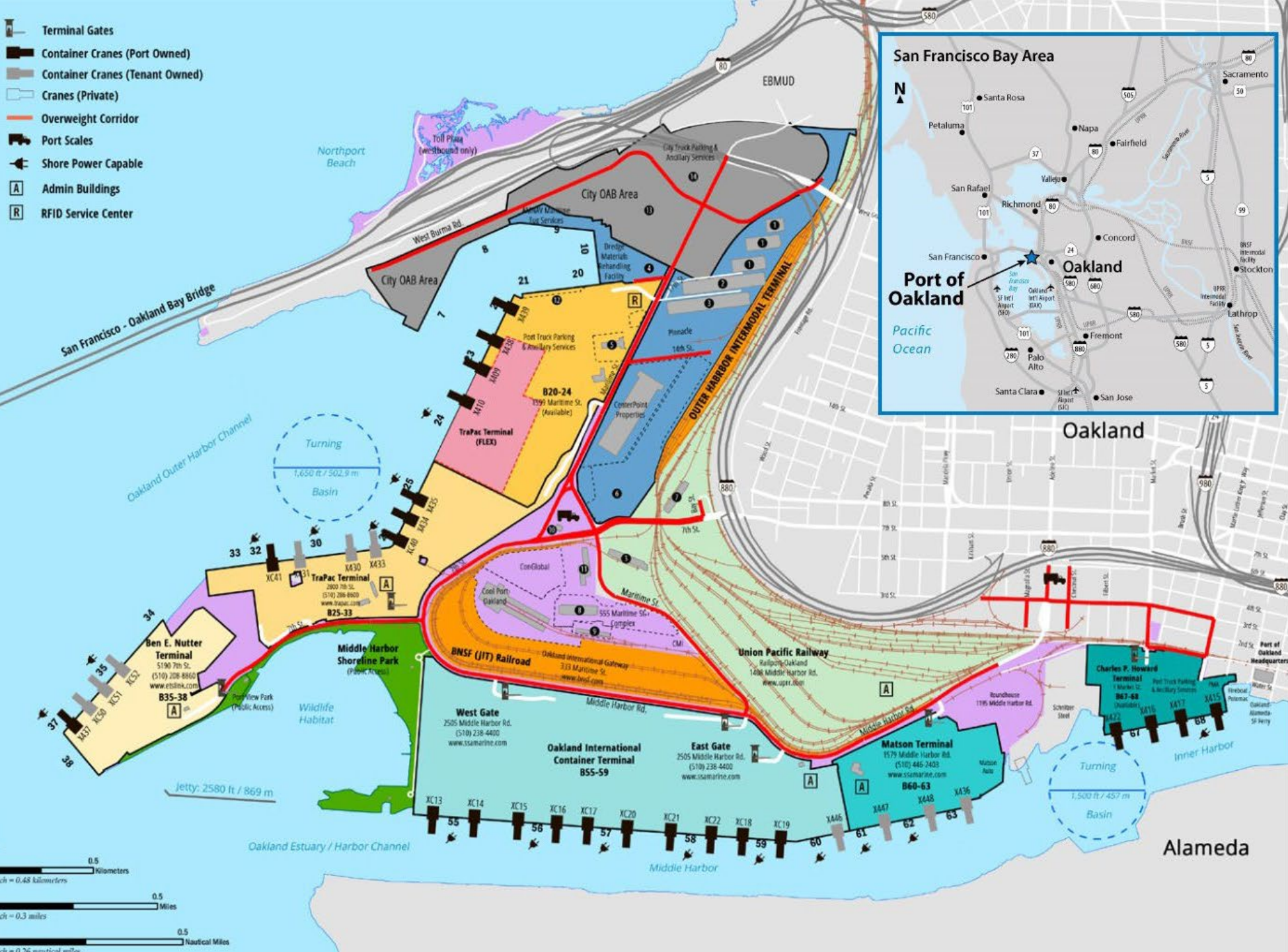
2005 **1,139-ft long**
(6,500 containers)



Today **1,310-ft long**
(20,000 containers)



PORT OF OAKLAND VICINITY MAP



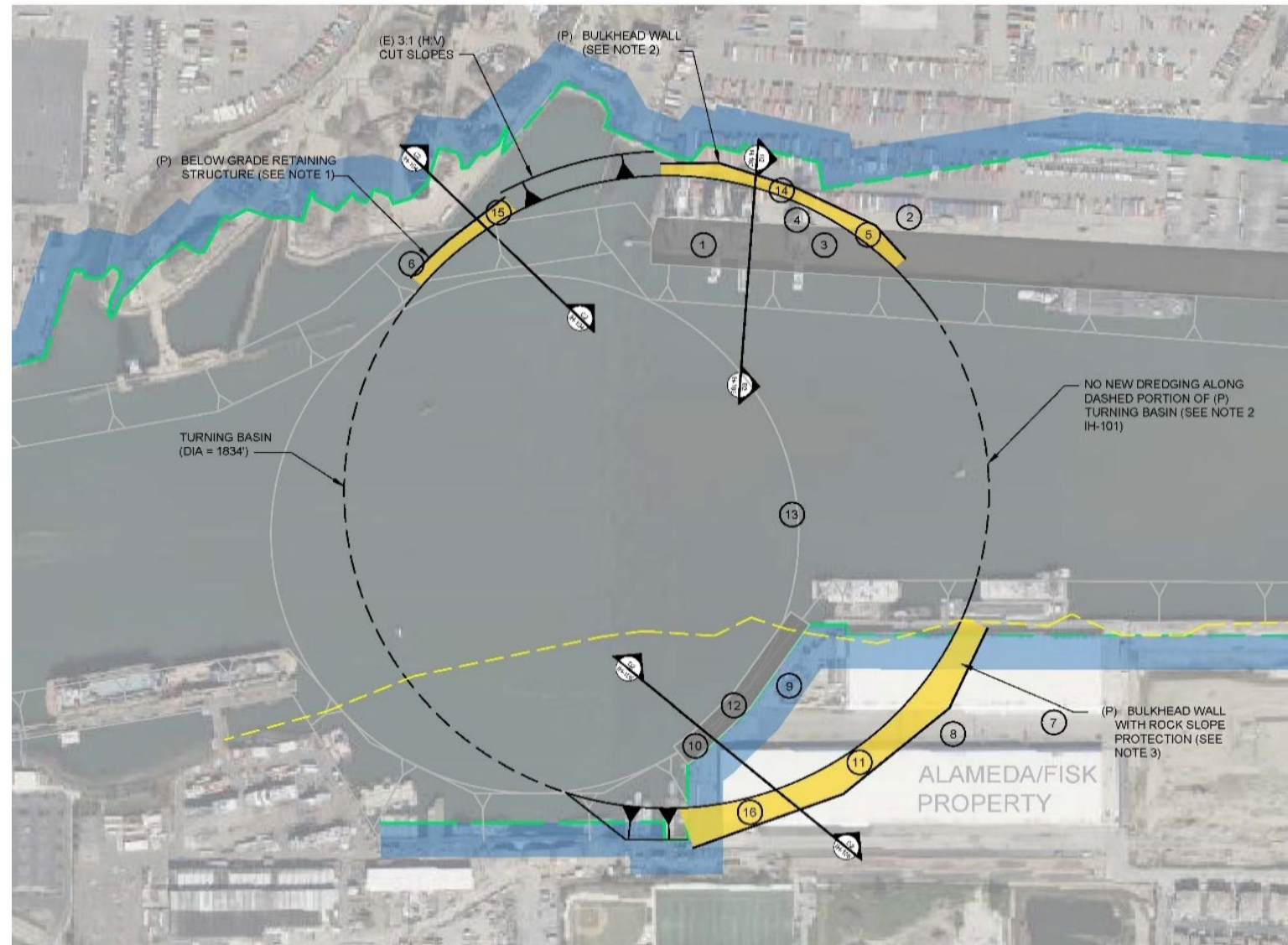
December 21, 2023

OUTER HARBOR TURNING BASIN



- Expand the Basin 21 acres
- Dredge ~1.34 Million cubic yards of shallow subtidal habitat
- Minus 50 Feet MLLW
- Beneficially reuse all clean dredged sediment
- Upgrade existing electrical infrastructure near berth 26

INNER HARBOR TURNING BASIN



Expand the Basin 20 acres by:

- Demolishing portions of:
 - Howard Terminal (3.9 acres)
 - Alameda Landing (6.5 acres)
 - two warehouses (Alameda)
- Removing wharves, rock dike, piles, and sheet piles
- Installing new bulkheads & subtidal retaining wall
- Dredging ~825,000 cubic yards of sediment
- Beneficially reusing all clean dredged sediment
- Disposing of sediment at landfill
- Installing electrical infrastructure

Reduction of Bay Fill

Location	Area	Volume
Fill Removed		
Howard Terminal	3.9 acres	279,600 cy
Alameda Landing	6.5 acres	138,800 cy
Schnitzer Steel	0	0
Total Fill Removed	10.4 acres	418,400 cy
Fill Placed		
Howard Terminal	0.86 acres	8,000 cy
Alameda Landing	1.6 acres	18,000 cy
Schnitzer Steel	0.35 acres	3,000 cy
Total Fill Placed	2.81 acres	23,000 cy
Net Fill Reduction	7.6 acres	395,400 cy

DECISIONAL FRAMEWORK – San Francisco BAY PLAN ENFORCEABLE POLICIES

- Fish, Other Aquatic Organisms and Wildlife
- Water Quality
- Water Surface Area and Volume
- Subtidal Areas
- Environmental Justice
- Climate Change
- Safety of Fills
- Dredging
- Water Related Industry and Ports
- Public Access
- Fills in Accord with the Bay Plan
- Mitigation
- Public Trust
- Navigational Safety and Oil Spill Prevention

ISSUES TO CONSIDER

The staff believes the primary issues raised by the proposed- first phase consistency determination for the project are:

1. Whether it is generally consistent with the Commission's fill policies, including those related to safety of fills, water quality, natural resources, mitigation, dredging, ports, sea level rise, and navigation safety;
2. Whether the proposed project is generally consistent with the 1996 Sea Port Plan;
3. Whether the USACE has conducted equitable and culturally relevant outreach and public engagement; has addressed community concerns, and whether disproportionate impacts have been identified and mitigated for in collaboration with the disadvantaged community consistent with the Commission's environmental and social justice policies; and
4. Whether the proposed delay on addressing public access and scenic views to the next phase consistency determination is appropriate.

ENVIRONMENTAL JUSTICE CONCERNS

1. Significant and unavoidable effects to air quality from construction and dredging equipment; and noise (CEQA).
2. Concerns that widening the turning basin could induce growth over time, contributing to worsening air quality, traffic, and safety issues from additional trucks
3. Concerns on where and how the contaminated soil will be disposed of (residents don't want it passed off to other EJ Communities)

Staff Recommendation Includes:

- ✓ Clear statement that no concurrence is provided for construction
- ✓ Requirement to return for second phase consistency at Pre-construction, design, & engineering phase
- ✓ Requirement to provide public access (Port and/or USACE), if determined necessary
- ✓ Sediment, soil, and groundwater contaminate investigations
- ✓ Minimization measures to reduce impacts to native and listed species
- ✓ Beneficial reuse of all suitable sediment, appropriate disposal of unsuitable sediments
- ✓ Submission of property interest documentation (likely provided via the Port's efforts), including those associated with Alameda Landing
- ✓ Continued public engagement on issues of concern to surrounding communities (within Commission's authority)

COMMISSION DISCUSSION

STAFF RECOMMENDATION

The staff recommends that the San Francisco Bay Conservation and Development Commission (Commission) *conditionally* concurs with the U.S. Army Corps of Engineers' (USACE) first-phase Consistency Determination (BCDC Consistency Determination No. C2023.003.00) that the USACE's conceptual plan for the Oakland Turning Basins Widening project is generally consistent with the Commission's Amended Management Program for San Francisco Bay.

The project would expand the Outer Turning Basin by 21 acres through dredging approximately 1.34 million cubic yards and the Inner Harbor Turning Basin by 20 acres through removal of portions of two wharves and associated infrastructure at Howard Terminal and Alameda Landing and construction of two new bulkheads, a subtidal retaining wall, and dredging. All suitable dredged sediment would be beneficially reused, and non suitable sediment would be disposed of at a land fill as would the construction debris that is not recycled.

Construction of this project requires a second phase consistency determination and a McAtter Petris Act permit.

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