



DRAFT

December __, 2023

Via Electronic & Regular Mail
Turningbasins@portoakland.com

Port of Oakland
Environmental Programs and Planning Division
Ms. Khamly Chuop
530 Water Street
Oakland, CA 94607

**SUBJECT: OAKLAND HARBOR TURNING BASINS WIDENING PROJECT DRAFT
ENVIRONMENTAL IMPACT REPORT
(SCH#: 2022050647)**

Dear Ms. Chuop,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared for the proposed Oakland Harbor Turning Basins Widening Project (Project). The City of Alameda (City) and the Port of Oakland (Port) share the Oakland Alameda Estuary, and the City appreciates the need to coordinate and manage our mutual interests in this important regional waterway.

The City also appreciates its partnership with the Port as we work together to address our mutual concerns about sea level rise impacts to the Webster and Posey Tubes, Jack London Square, the Oakland International Airport, and the adjacent Bay Farm neighborhoods. We also appreciate our joint efforts to address the inadequacies of the transportation network that serves Port and City lands, particularly in conjunction with our partners at Caltrans, the Alameda County Transportation Commission, and others.

This letter provides a summary of our chief comments and concerns, while a more thorough legal analysis regarding the Project's compliance with the California Environmental Quality Act (CEQA) is detailed in **Exhibit A and the attachments thereto (Attachments 1-3)**.

City of Alameda's Permitting Authority

More than half of the Project is located within the City of Alameda. The project includes the removal of approximately six acres of land and over 200,000 square feet of maritime commercial buildings in

Alameda. The project greatly impacts City resources, including maritime commercial land use, seismic shoreline hazards, air quality, noise, and transportation. The City therefore qualifies as a “participating agency” under National Environmental Policy Act (NEPA) and a “responsible agency” under CEQA.

The City is concerned that both the DEIR, and the 2023 Environmental Assessment on which it relies, not only omit crucial information about the scope of impacts to Alameda, but also fail to accurately and completely describe the City’s jurisdiction and authority over certain Project elements. For example, the DEIR correctly states that the City will need to issue building permits for those portions of the Project that will be developed in Alameda. But the DEIR fails to disclose that, before the City can issue any building permits for the Project’s proposed removal of six acres of land and over 200,000 square- feet of maritime commercial buildings, the City will need to amend the Bayport/Alameda Landing Master Plan and the Alameda Landing Waterfront Development Plan (Plans), both of which govern the Alameda Shoreline and Project Site, to ensure the Project is consistent with those Plans. These amendments are discretionary actions that must be approved by the City of Alameda Planning Board and City Council, and will likely be subject to additional CEQA review before approval.

The City of Alameda City Council must discretionarily review and approve amendments to the Plans before issuance of a building or other related development permit. The City’s review will entail an assessment of whether the Project is consistent with the goals, policies, and objectives of those respective Plans.

The City of Alameda City Council must adopt findings and issue discretionary approval(s) as a Participating Agency under NEPA and as a Responsible Agency under CEQA before Project components within the City’s jurisdiction may be implemented. If the City is unable to adequately discern how the Project will specifically impact Alameda’s resources, the City may require supplemental review before it issues any subsequent approvals or permits.

Significant and Unavoidable Transportation, Noise and Air Quality Impacts in Alameda.

The DEIR inadequately mitigates the Project’s significant and unavoidable transportation, noise, and air quality impacts in Alameda. As noted above, over half of Project construction will occur in Alameda over a two-year span of time and will include removing six acres of land and wharf, two years of pile driving, dredging, and construction of new bulkheads and seawalls within approximately 350 feet of residential homes and public parks. This presents an enormous impact to the livelihoods of local Alamedans.

Transportation Impacts

The work will necessitate over 25,000 truck trips (or one truck every 3 minutes, per the DEIR) between the Project site in west Alameda and the Webster Posey Tubes and Park Street Bridge. Students walking and bicycling to Ruby Bridges school from the low-income neighborhoods at Alameda Point will cross the proposed truck-haul route on Main Street. Students coming from neighborhoods to the south of Ruby

Bridges Elementary School will cross this truck route on Ralph Appezzato Memorial Parkway, and any children living along the northern waterfront attempting to walk or bike to school will cross this route, which is where trucks will pass through every three minutes. Overall, these 25,000 truck trips will significantly impact pedestrian and bicycle safety along the proposed haul route from the Project site in Alameda to the regional crossings.

Noise Impacts

Construction noise will also be significant and unavoidable. Pile driving, excavation, dredging, and demolition activities will occur *24 hours a day, 7 days a week, for 2 years*. Even more troubling, these activities will occur within *350 feet* of sensitive receptors located at existing and planned single- and multi-family residences along the Alameda Shoreline, as well as within *250 feet* of two public City parks: Estuary Park and Alameda Landing Waterfront Park. The DEIR and the 2023 EA's proposed mitigation measures fall short of fully mitigating these significant effects to the extent feasible as required by CEQA. The DEIR must therefore be revised to include additional meaningful mitigation to offset the significant unavoidable construction noise impacts to Alameda neighborhoods, parks, sensitive receptors, and already-vulnerable communities.

Air Quality and Greenhouse Gas Impacts

The introduction of these construction activities, along with the anticipated 25,000 additional truck trips through Alameda neighborhoods and the City's already-congested regional roadway system that connects Alameda to Oakland, will also result in significant and unavoidable air quality and greenhouse gas impacts. As the DEIR concedes, even with mitigation, the Project would exacerbate cancer risks to the already pollution-burdened environmental justice community that neighbors the Alameda Site.

Geology/Soils, Seismic, and Sea-Level Rise Impacts in Alameda.

The DEIR analysis of the cumulative and potential seismic risks to those portions of the Oakland Inner Harbor located along the Alameda Shoreline is inadequate. Army Corps of Engineers studies and independent engineering assessments of the Alameda shoreline confirm that the shoreline is unstable and should be expected to fail in a major earthquake.

The DEIR does not adequately analyze the potentially significant impacts to the seismic stability of this shoreline from the widening of the turning basin, the ongoing annual dredging necessary to maintain the inner harbor, and the turning of ever longer ships in the inner harbor and the associated tug boat activity necessary to operate these larger ships in the inner harbor. The DEIR and NEPA analysis must be revised to include a discussion of the Alameda Shoreline's destabilized geologic and seismic conditions, particularly on the southern shoreline of the Inner Harbor (Alameda's northern shoreline) along the channel where ongoing dredging has increased the slope. Based on this discussion, the DEIR and NEPA analysis should also include a revised impact assessment that meaningfully considers how the Project will exacerbate these fragile seismic conditions. These significant impacts must be addressed with

mitigation measures that provide seismic stability and sea-level rise protection for the Alameda side of the Inner Harbor from the new Turning Basin to the Bay entrance, consistent with the requirements of the City of Alameda Master Infrastructure Plan for Alameda Point.

Mitigation Measures

The DEIR should be revised to include specific, tangible, and easy-to-monitor mitigation measures that can effectively reduce these significant and unavoidable impacts. Examples of additional and revised mitigation measures must include, but are not limited to:

- Geotechnical Mitigation: Seismic stability and sea level rise protection improvements for Inner Harbor Alameda shoreline to support planned waterfront parks and open spaces.
- Transportation, Air Quality, Greenhouse Gas Mitigations
 - Bicycle and Pedestrian Bridge: Facilitate the construction of a bicycle and pedestrian bridge between Alameda and Jack London Square through dedication of an easement on Port property for a bridge landing in the vicinity of Clay and Broadway and funding for the project approval and environmental documents (PAED).
 - Water shuttle: Project provide annual funding for a free public water shuttle to operate between Alameda Landing and Jack London Square during the 2+ year construction period.
 - Traffic Control Plan: The DEIR should include a mitigation measure that requires the Port to implement a traffic control plan that shall be submitted to the City for review and approval before issuance of any building or construction-related activity. The Plan should contain measures that minimize potential construction impacts, along with procedures to notify neighbors of peak construction vehicle activities.
- Noise Mitigation: Construction Noise Reduction Plan: Before the Port begins any building or physical construction-related activities, the Port must retain a qualified acoustical consultant to devise a Construction Noise Reduction Plan, in consultation with the City, for the Alameda City Council to review and approve concurrent with any discretionary permits for the Project. The Plan shall include measures and techniques to reduce significant noise generating construction activities and specify attenuation measures and best practices to further reduce impacts to nearby sensitive receptors. Examples of additional measures to be included in the Plan include, but are not limited to:
 - A noise compliance liaison who can receive and effectively respond to noise complaints, and ensure construction activities comply with the City's Noise Ordinance;

- A sensitive receptor relocation plan that offers nearby residents with alternative habitation options should construction noise adversely disturb daily quality of life;
- Roadway noise level reduction measures, including installation of rubberized hot mix asphalt overlay on top of conventional asphalt along Main Street and other construction haul routes throughout the City prior to the start of construction activities.

The City appreciates the opportunity to submit comments on the Project and would welcome an opportunity to meet with the Port to further discuss the City's concerns.

For further questions, or if you would like to set up a meeting to discuss the City's concerns further, please contact me at atai@alamedaca.gov. Please also provide me with copies of any and all future public notices that either the Port or the Army Corps of Engineers issues for the Project, including, but not limited to, those issued pursuant to CEQA and NEPA, the Ralph M. Brown Act, and the Port's administrative procedures.

Sincerely,

Allen Tai
Planning, Building and Transportation Director
City of Alameda

Exhibits: (Forthcoming and to be included in the City's Final Letter)

1. Exhibit A – Detailed CEQA letter
2. Attachment 1 – City's prior letter to the USACE
3. Attachment 2- Geotechnical expert letter
4. Attachment 3 – Additional and Revised Mitigation Monitoring Reporting Program chart