



US Army Corps
of Engineers®

Oakland Harbor Turning Basins Widening

Revised Draft Integrated Feasibility Report and Environmental Assessment

APPENDIX A6c: Cultural Resources Preliminary Effects Assessment

Table of Contents

Chapter 1	Introduction.....	1-1
1.1.1	Federal Significance Criteria.....	1-1
1.1.2	State Significance Criteria	1-2
1.1.3	Conformity of Federal and State Evaluation Criteria.....	1-3
Chapter 2	Project Description	2-1
Chapter 3	Finding of Effect.....	3-1
3.1	No Project/No Action Alternative	3-1
3.2	Inner Harbor Turning Basin Expansion	3-1
3.2.1	Archaeological Resources	3-1
3.2.2	Historic Architectural Resources.....	3-4
3.2.3	Assessment of Effects	3-4
3.3	Outer Harbor Turning Basin Expansion	3-5
3.3.1	Archaeological Resources	3-5
3.3.2	Historic Architectural Resources.....	3-5
3.3.3	Assessment of Effects	3-5
3.4	Inner Harbor and Outer Harbor Turning Basin Expansion.	3-5
3.4.1	Assessment of Effects	3-5
Chapter 4	References	4-1

List of Figures

Figure 3-1	Area of Potential Effects Delineated for the Oakland Harbor Turning Basins Widening Navigation Study	3-3
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ACRONYMS

APE	Area of Potential Effects
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CRHR	California Register of Historic Resources
HAER	Historic American Engineering Record
IHTB	Inner Harbor Turning Basin
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OHTB	Outer Harbor Turning Basin
Port	Port of Oakland
PRC	Public Resources Code
USACE	United States Army Corps of Engineers

Chapter 1 Introduction

The United States Army Corps of Engineers (USACE), as the federal lead agency, and the Port of Oakland (Port), as the nonfederal sponsor, are conducting the Oakland Harbor Turning Basins Widening Navigation Study. The purpose of the study is to determine whether there is a technically feasible, economically justifiable, and environmentally acceptable recommendation for federal participation in performing marine navigation improvements to the constructed -50-Foot Oakland Harbor Navigation Project (-50-Foot Project) that would allow larger vessels to conduct a safe and efficient turning maneuver at two distinct locations in Oakland Harbor. The -50-Foot Project completed circa 2009, was designed to accommodate a ship with a capacity of 6,500 twenty-foot equivalent units, a 1,139-foot overall length, a 140-foot beam, and a 48-foot draft. Vessels currently calling on Oakland are longer, wider, and deeper than the design vessel used in the -50-Foot Project.

In 2018, USACE completed a Section 216 Initial Appraisal Report,¹ which concluded that marine navigation inefficiencies in Oakland Harbor are caused by width limitations in the turning basins, not by depth limitations nor by landside capacity. The current fleet exceeds the maximum dimensions of the constructed -50-Foot Project; the resulting inefficiencies are projected to persist into the future because the average vessel size and the frequency of larger vessels serving the Port are expected to increase.

This preliminary assessment is to be used in tandem with the cultural resources inventory report prepared for this project. This assessment discusses the potential effects/impacts of the project alternatives on cultural resources (i.e., archaeological and historic architecture/built-environment resources) to support the USACE's preparation of National Environmental Policy Act (NEPA) documentation, and address their obligations under Section 106 of the National Historic Preservation Act (NHPA), as well as assist the Port's preparation of California Environmental Quality Act (CEQA) documentation. The USACE and Port will determine the significance of project impacts pursuant to their evaluation criteria under NEPA and CEQA, respectively; this report provides a preliminary assessment of potential project impacts to assist with the USACE's and Port's evaluation of project alternatives. Federal and state significance criteria, as well as the conformity between these criteria, are presented below.

1.1.1 Federal Significance Criteria

The four evaluation criteria to determine a resource's eligibility to the National Register of Historic Places (NRHP), in accordance with the regulations outlined in 36 Code of Regulations (CFR) Part 800, are identified at 36 CFR Section 60.4. These evaluation criteria, listed below, are used to assist in determining what properties should be considered for protection from destruction or impairment resulting from project-related activities (36 CFR Section 60.2).

¹ Section 216 of the 1970 River and Harbor and Flood Control Act authorizes investigations for modification of completed projects or their operation when found advisable due to significantly changed physical or economic conditions, and for improving the quality of the environment in the overall public interest.

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. Resources that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Resources that are associated with the lives of persons significant in our past; or
- c. Resources that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. Resources that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR Section 60.4).

1.1.2 State Significance Criteria

In considering impact significance under CEQA, the significance of the resource itself must first be determined. At the state level, consideration of significance as an “important archaeological resource” is measured by cultural resource provisions considered under Public Resources Code (PRC) Sections 15064.5 and 15126.4, and the draft criteria regarding resource eligibility to the California Register of Historic Resources (CRHR).

Generally, under CEQA, a historical resource (these include built-environment historic and prehistoric archaeological resources) is considered significant if it meets the criteria for listing on the CRHR. These criteria are set forth in PRC Section 15064.5 and are defined as any resource that:

- a. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- b. Is associated with lives of persons important in our past;
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

Section 15064.5 of CEQA also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed under California PRC Section 5097.98.

Impacts to “unique archaeological resources” are also considered under CEQA, as described under PRC Section 21083.2. A unique archaeological resource implies an archaeological artifact, object, or site about which it can be clearly demonstrated

that—without merely adding to the current body of knowledge—there is a high probability that it meets one of the following criteria:

- a. The archaeological artifact, object, or site contains information needed to answer important scientific questions, and there is a demonstrable public interest in that information;
- b. The archaeological artifact, object, or site has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- c. The archaeological artifact, object, or site is directly associated with a scientifically recognized important prehistoric or historic event or person.

The lead agency shall first determine whether an archeological resource is a historical resource before evaluating the resource as a unique archaeological resource (CEQA Guidelines 15064.5 [c] [1]). A nonunique archaeological resource is an archaeological artifact, object, or site that does not meet the above criteria. Impacts to nonunique archaeological resources and resources that do not qualify for listing on the CRHR receive no further consideration under CEQA.

Under CEQA Section 15064.5, a project would potentially have significant impacts if it would cause substantial adverse change in the significance of one of the following:

- a. A historical resource (i.e., a cultural resource eligible for the CRHR);
- b. An archaeological resource (defined as a unique archaeological resource that does not meet CRHR criteria); or
- c. Human remains (i.e., where the project would disturb or destroy burials).

A nonunique archaeological resource is given no further consideration, other than the simple recording of its existence, by the lead agency.

1.1.3 Conformity of Federal and State Evaluation Criteria

The criteria for eligibility for the CRHR are very similar to those that qualify a property for the NRHP, which is the significance assessment tool used under NHPA. The criteria of NRHP apply when a project has federal involvement. A property that is eligible for NRHP is also eligible to CRHR. All potential effects/impacts to significant resources are assessed and addressed herein under the procedures of Section 106 of the NHPA, set forth at 36 CFR Part 800.

Chapter 2 Project Description

Four project alternatives are under consideration:

1. No Action/No Project
2. Expansion of Inner Harbor Turning Basin (IHTB) Only
3. Expansion of Outer Harbor Turning Basin (OHTB) Only
4. Expansion of IHTB and OHTB

Expansion of one or both turning basins would improve both the efficiency and safety of vessels entering and exiting the Port; however, the project would not change the projected overall volumes of freight that would come into the Port as both the capacity of the Port and the external market forces that drive trade remain unchanged by this project. Please see the provided Cultural Resources Inventory Report for detailed descriptions of the project alternatives.

Chapter 3 Finding of Effect

A cultural resources inventory report was prepared by AECOM for the Oakland Harbor Turning Basins Widening Navigation Study (AECOM 2023). That report is to be used in concert with this document. For the inventory effort, AECOM completed several tasks, including:

- Working with USACE and Port to delineate an Area of Potential Effects (APE) (Figure 3-1).
- A Records Search at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University (File No. 202678). The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resource records and studies for Alameda County. Site records and previous studies were accessed for the APE and a 0.5-mile radius of the APE as depicted on the U.S. Geological Survey *Oakland West* 7.5-minute topographic quadrangle.
- Reviewed the shipwreck database maintained by the California State Lands Commission in concert with the results of previously conducted geophysical surveys.
- Submitted, on behalf of USACE and the Port, a request for a Sacred Lands File review as well as a list of Native American contacts for the project from the California Native American Heritage Commission.
- Assisted the USACE in their tribal consultation efforts as required under Section 106 of the NHPA, including the drafting of consultation letters.
- Completed a mixed-strategy cultural resources reconnaissance of the project components.

The results of these efforts and the potential effects and/or impacts to both archaeological and historic architecture resources are presented below for each project alternative.

3.1 No Project/No Action Alternative

With the No Project/No Action Alternative, there is not a change in existing conditions; therefore, no effects and/or impacts to cultural resources, known or unknown, would occur.

3.2 Inner Harbor Turning Basin Expansion

3.2.1 Archaeological Resources

As a result of the cultural resources inventory effort, it has been determined that no archaeological resources, including resources listed or eligible to be listed to either the NRHP or CRHR (i.e., historic property), have been recorded or suspected within the APE

for the IHTB. The detailed *Oakland Harbor Turning Basins Widening Navigation Study Cultural Resources Inventory Report* (AECOM 2023) was prepared as a companion to the *Oakland Harbor Turning Basins Widening Navigation Study Cultural Resources Preliminary Assessment of Effects* for the proposed project. As stated in the inventory report the potential for undiscovered archaeological resources beneath the surface of the APE (terrestrial and submerged) is low.

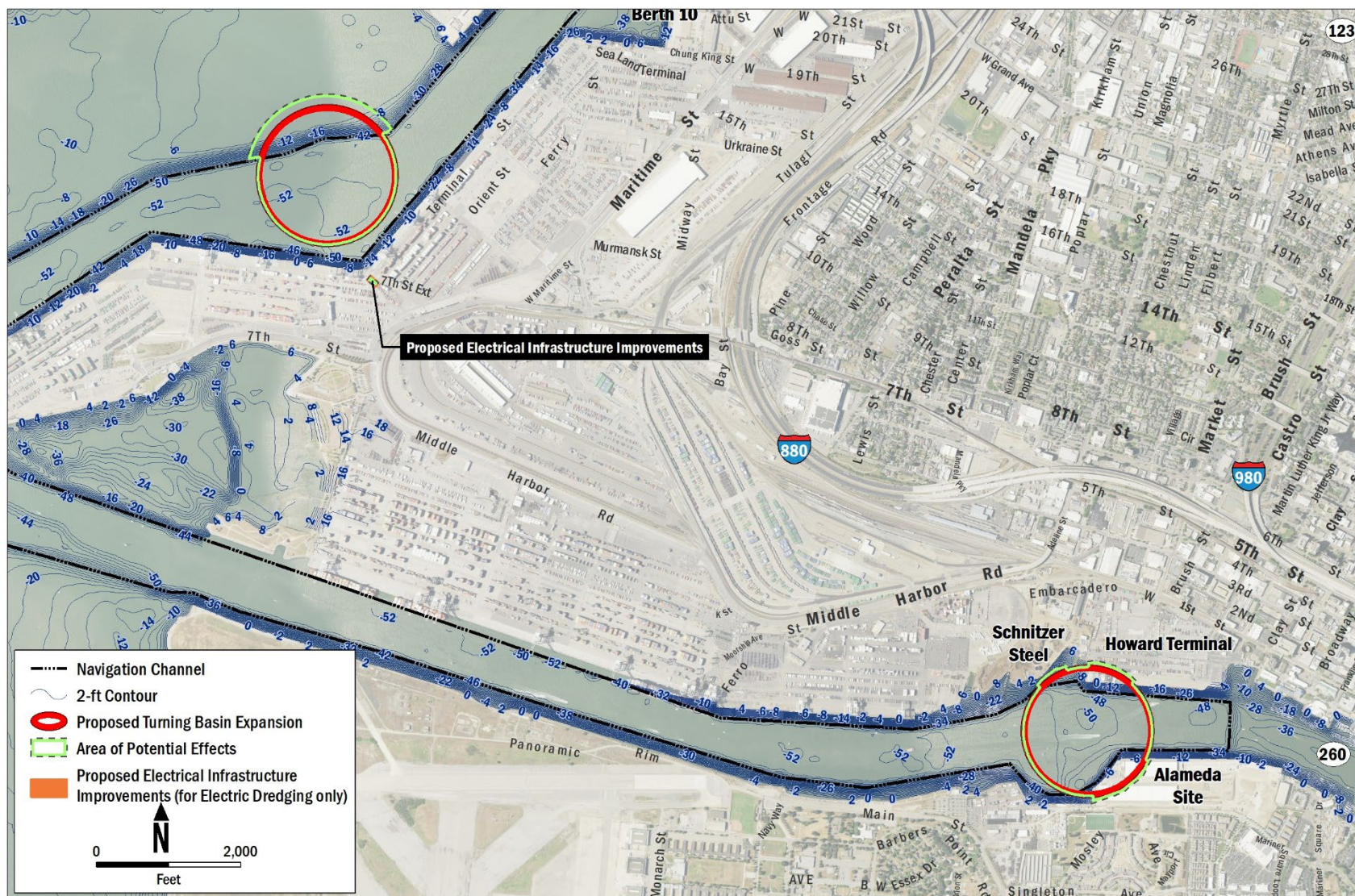


Figure 3-1 Area of Potential Effects Delineated for the Oakland Harbor Turning Basins Widening Navigation Study

3.2.2 Historic Architectural Resources

As a result of the cultural resources inventory effort, it has been determined that no historic architectural structures or other elements of the built environment, NRHP, and/or CRHR-listed or eligible to be listed, occur in the APE delineated for the IHTB. The current APE includes the boundaries of the Todd-United Engineering Company Shipyard Historic District (P-01-003218) in Alameda. According to the Department of Parks and Recreation form (DPR 523 Site Record) prepared by Basin Research (1998), which expanded on the earlier effort of Corbett and Hardy (1988) and was referenced in a letter between USACE and the State Historic Preservation Officer (Thompson 1998), the Todd -United Engineering Company Shipyard Historic District was found to be eligible for the NRHP pursuant to Criteria A and C because of its part in the transportation history of the San Francisco Bay Area from 1910 to 1963 (Basin Research 1998; Corbett and Hardy 1988).

Of the contributing elements of the Todd-United Engineering Company Shipyard Historic District identified, only the East Pier, also evidently known as Pier 4, and the ill-defined Wet Basin extended into the current APE. As noted by Corbett and Hardy (1988) a portion of the East Pier had been demolished as part of the Port's -42-Foot Channel Dredging Project. Subsequent to the original recordation and evaluation, however, the remainder of East Pier was to be removed and the area of the Wet Basin dredged during implementation of the Oakland Harbor -50-Foot Project (Port of Oakland 1999:4), leaving no portion of the historic district in the current APE. Demolition of the East Pier and Wet Basin, as well as other elements of the Todd-United Engineering Company Shipyard Historic District, was documented in a Historic American Engineering Record (HAER) that was completed in accordance with a Memorandum of Agreement prepared for that undertaking (Corbett 2001).

It should be noted herein that although no portion of the Todd-United Engineering Company Shipyard Historic District remains within the APE delineated for this undertaking, the files of the NWIC do not reflect the current conditions of the resource (i.e., partially demolished during implementation of the -50-Foot Project). The cultural resources inventory report prepared for this undertaking (AECOM 2023), does, however, describe the current conditions of this historic property as relevant to the APE as well cites the HAER prepared by Corbett (2001) that was prepared in advance of the demolition of portions of the historic district. For the discussion here it should be understood that irrespective of what the files of the NWIC indicate, the former contributing elements of the historic district that once occurred within the current APE are no longer extant.

3.2.3 Assessment of Effects

The expansion of the IHTB would not result in effects and/or impacts to historic properties or cultural resources with potential eligibility for the NRHP, because none occur in the portion of the APE delineated for this Project alternative. It is recommended herein that implementation of this alternative would result in a finding of *No Historic Properties Affected* pursuant to Section 106 of the NHPA (36 CFR Part 800.16(l)(1)).

Although the potential for intact archeological resources to occur in the APE delineated for the project is low, the inadvertent discovery of previously unidentified archeological resources cannot be completely dismissed. Therefore, it is assumed that both the NEPA and CEQA documents to be prepared for the Oakland Harbor Turning Basins Widening Navigation Study will include provisions for the accidental discovery of archeological resources, including human remains inadvertently exposed during construction activities. Should such an unanticipated discovery occur, and if an appropriate mitigation is implemented, adverse effects/impacts to cultural resources under NEPA and CEQA are expected to be reduced to less-than-significant levels.

3.3 Outer Harbor Turning Basin Expansion

3.3.1 Archaeological Resources

As a result of the cultural resources inventory effort, it has been determined that no known archaeological resources occur in the APE delineated for the OHTB. Furthermore, as detailed in the inventory report, the potential for undiscovered archaeological resources beneath the surface of the APE is low.

3.3.2 Historic Architectural Resources

As a result of the cultural resources inventory effort, it has been determined that no historic architectural structures or other elements of the built environment, NRHP, and/or CRHR-listed or eligible to be listed, occur in the APE delineated for the OHTB.

3.3.3 Assessment of Effects

The expansion of the OHTB would not result in effects and/or impacts to known cultural resources, because none occur in the portion of the APE delineated for this alternative. It is recommended herein that implementation of this alternative would result in a finding of *No Historic Properties Affected* pursuant to Section 106 of the NHPA.

Although the potential for intact archeological resources to occur in the APE delineated for the project is low, the inadvertent discovery of previously unidentified archeological resources cannot be completely dismissed. Therefore, it is assumed that both the NEPA and CEQA documents to be prepared for the Oakland Harbor Turning Basins Widening Navigation Study will include provisions for the accidental discovery of archeological resources, including human remains inadvertently exposed during construction activities. Should such an unanticipated discovery occur, and if an appropriate mitigation is implemented, adverse effects/impacts to cultural resources under NEPA and CEQA are expected to be reduced to less-than-significant levels.

3.4 Inner Harbor and Outer Harbor Turning Basin Expansion.

3.4.1 Assessment of Effects

As can be determined from the sections above, the expansion of both the IHTB and

OHTB would not result in effects and/or impacts to known cultural resources, because none occur in the APE delineated for this project. It is recommended herein that implementation of this alternative would result in a finding of *No Historic Properties Affected* pursuant to Section 106 of the NHPA.

Although the potential for intact archeological resources to occur in the APE delineated for the project is low, the inadvertent discovery of previously unidentified archeological resources cannot be completely dismissed. Therefore, it is assumed that both the NEPA and CEQA documents to be prepared for the Oakland Harbor Turning Basins Widening Navigation Study will include provisions for the accidental discovery of archeological resources, including human remains inadvertently exposed during construction activities. Should such an unanticipated discovery occur, and if an appropriate mitigation is implemented, adverse effects/impacts to cultural resources under NEPA and CEQA are expected to be reduced to less-than-significant levels.

Chapter 4 References

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