



US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 27425S

DATE: May 20, 2003

RESPONSE REQUIRED BY: June 20, 2003

PERMIT MANAGER: Bob Quebedeaux

PHONE: 415-977-8446

Email: bquebedeaux@spd.usace.army.mil

1. **INTRODUCTION:** The Port of Oakland [Mr. Joseph Wong, 530 Water Street, P.O. Box 2064, Jack London Square, Oakland, CA 94607, Attn: Ms. Anne Whittington, (510) 627-1559] has applied for a Department of the Army (Corps) permit within Corps jurisdictional tidal waters for the proposed Port of Oakland, Berths 32/33 Wharf Rehabilitation Project. The subject area, as shown in the attached Figures 1, 2, and 3, is located on the east shoreline of San Francisco Bay at the Port of Oakland (Berth 32/33) in the City of Oakland, Alameda County, CA. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT PURPOSE & DESCRIPTION:** The Port of Oakland plans to upgrade all of its terminals, associated wharves and container storage yards, in order to accommodate new tenants as well as the next generation of vessels requiring a water depth of -50 feet, see attached Figures 4-7. Towards this end, the purpose of the Berths 32/33 Wharf Rehabilitation Project is to improve the marine terminal to meet current operational and seismic standards. The main objective of the project is to strengthen the wharf and embankment and to deepen the berths to -50 feet MLLW, plus -2 feet overdepth (-52 feet), with a goal of increasing the navigable capacity within the segment of berths. In addition, the project will modify the existing wharf at Berths 32/33 so that the cranes and wharf face are consistent and contiguous with the adjacent wharf at

Berth 30. This will provide more flexibility and efficiency for cargo handling and optimize terminal configuration for Port tenants. A detailed description of each project element is presented below:

Wharf Extensions:

New Wharf Section at Berth 30: A "gap" exists between the wharf at Berth 32 and the adjacent Berth 30. This gap requires a new section of wharf (pile-supported fill) to make it contiguous. The gap is approximately 250 feet long by approximately 100 feet wide. The area of this new wharf section would be approximately 25,000 square feet and would include a new crane bus trench, fenders, bollard and approximately 250 linear feet of 100-foot gauge crane rail.

Currently, a wooden catwalk and dolphin extend approximately 150 feet from the western end of Berth 32 into the Berth 30 gap. As part of the project, this 1,500 square foot catwalk structure would be demolished, along with 278 cubic yards of supporting creosote-treated wooden piles. Therefore, the actual new net pile supported fill to close the gap at Berth 30 would be 23,500 square feet in area.

Berths 32/33 Wharf Extension: The wharf at Berths 32/33 requires widening to allow for new, larger cranes. The existing waterside crane rail for Berths 32/33 is situated approximately 9 feet

landside of the waterside crane rail for Berth 30 and does not allow for contiguous crane movement to adjacent berths. Also, the size of the existing crane rail at Berths 32/33 is 34-foot rail gauge and cannot accommodate the newer 100-foot gauge cranes required to service newer and larger cargo vessels.

The existing wharf for Berths 32/33 is approximately 9 net feet toward the water. Approximately 5 feet of the existing wharf along the length of the face would be removed. A section of concrete wharf approximately 14 feet wide would be constructed in place of the demolished wharf area. The extension of the Berths 32/33 wharf would be approximately 14,000 square feet and would include a new crane bus trench, bollards and approximately 1,600 linear feet of 100-gauge crane rail.

During demolition, the existing crane bus trench would be removed from fenders and bollards and replaced. The existing 34-foot gauge crane rails would be demolished on Berths 32/33; the existing crane girders, which are constructed of pre-stressed concrete, would remain in place. Existing railroad rails at the site that are adjacent to the landside crane rail will also be removed during demolition at the site. Building C-510, located approximately 80 feet from the waterside of the wharf will be demolished as part of the proposed project, along with several associated structures adjacent to the building. This building is a 600 square foot, two-story control tower on the project site used to monitor daily operations in the Berths 32/33 container storage yard.

Demolition and Construction Process for Wharf Extensions: A total of approximately 590 cubic yards of wharf deck will be removed from Berths 32/33 during demolition; demolition of the catwalk structure would result in removal of less than 500 cubic yards of primarily wood material. Both the demolition of the area along the existing Berths

32/33 wharf face and removal of the catwalk structure would be conducted from the landside. The wharf face of Berths 32/33 would be separated from the wharf by concrete saws and other appropriate equipment. The catwalk and piles would be pulled from the water by crane. A means of containing debris that might otherwise fall into the Bay (such as the placement of a barge at the wharf face and underneath the wharf) would be implemented during demolition. The contractor would employ additional measures during demolition, such as a demolition containment boom, to contain dust and debris and to ensure that it does not fall into the Bay. Demolished materials would not be suitable for re-use and would be disposed of in an appropriate landfill.

For construction, approximately 300 pre-stressed concrete piles (235 in the water) will support the Berths 32/33 wharf extension, as well as the new Berth 30 section. Pilings create approximately 1,070 cubic yards of fill below the mean high water line (-5.56 feet MLLW). It is anticipated that wharf construction will be conducted from the land. Concrete wharf decks would be cast in place after pile driving.

Wharf Embankment Stabilization: Modification of the existing embankment at Berths 32/33 is required to accommodate dredging. Embankment strengthening and stabilization would be achieved through the installation of a 40-foot deep, cantilevered steel sheet pile wall at the toe of the wharf embankment. An estimated 980 cubic yards of riprap and rock fill will be used for stabilization and placed at the toe of the wharf embankment at Berth 30 gap to strengthen the wharf prior to deepening of the berths. The riprap consists of a permanent rock fill approximately 3 feet deep, to be placed at the foot of the embankment. This fill, in part, replaces the material that currently supports the bank and will be excavated as part of this project under the catwalk area (discussed under “Dredging

and Excavation”. After the stabilization, no significant change in the slope of the bank is anticipated. Riprap will be added to the bank by bottom-dump barges and/or by clamshell or backhoe.

Dredging and Excavation: The Port of Oakland proposes to deepen the Berths 32/33 to –50 feet (plus –2 overdepth). Dredging in this berth area is necessary to accommodate larger ships at the berths in accordance with the –50 foot channel depth. The proposed dredging would entail the removal of approximately 114,630 cubic yards of material with a surface area of 238,080 square feet. The area to be dredged is from the face of the wharf out 128 feet and approximately 1,800 feet parallel to the new wharf face. The berth deepening would take place after the installation of the sheet pile wall at the toe of the embankment. It is anticipated that material would be removed using a clamshell dredge.

In addition to dredging in the berths, some sediments and other material that have accumulated under the existing catwalk and dolphin would need to be excavated from within the Berth 30 gap area after removal of those structures. This excavation is necessary for stabilization of the wharf embankment. Up to an approximate 4,500 cubic yards of material would be excavated within an approximate 8,900 square foot area, generally within the footprint of the catwalk structure and the area of wharf embankment stabilization.

In summary, the proposed project comprises:

- Construction of a new wharf section at an existing gap between Berth 32 and Berth 30;
- Extending the existing Berths 32/33 wharf structure to align with the adjacent Berth 30 wharf face and crane rails;

- Stabilizing embankment of these wharves with new sheet pile wall and restructured riprap to accommodate deepening the berth;
- Deepening these berths to –50 feet MLLW (plus –2 feet overdepth); and
- Removal of catwalk structure and sediment mound.

The entire project area is approximately 6.2 acres. In total, the project would result in an additional wharf surface area of approximately 38,950 square feet, or approximately 0.9 acres. The project requires approximately 980 cubic yards of riprap fill for embankment stabilization and an estimated 1,070 cubic yards of fill from approximately 235 new piles below Mean High Water (MHW) that would support the wharf and crane rail girders. Approximately 114,630 cubic yards of material would be removed for dredging to –50 feet (plus –2 feet overdepth) within a surface area of 238,080 square feet. An additional 4,778 cubic yards of material would be removed from the Bay through demolition of a pile-supported catwalk and excavation of sediment mound under the catwalk.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification. A waiver shall be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write

to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

The project is subject to the jurisdiction purview of the San Francisco Bay Conservation and Development Commission (SF BCDC). The applicant must show valid compliance with the California's Coastal Zone Management Act (CZMA) prior to issuance of a permit. Coastal development issues should be directed to SF BCDC, 50 California Street, Suite 2600, San Francisco, CA 94111.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS: The Corps will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

Endangered Species Act of 1973 (ESA): The project is located on the San Francisco Bay, in which the following listed species may occur: Central California coho salmon (*Oncorhynchus kisutch*), steelhead trout (*Oncorhynchus mykiss*), Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*), California brown pelican (*Pelecanus occidentalis*), California least tern (*Sterna antillarum*) and Western snowy plover (*Charadrius alexandrinus nivosus*). Therefore, the Corps will initiate Section 7 consultation with the U.S. Fish & Wildlife Service and the National Marine Fisheries Service (NOAA Fisheries) to avoid any adverse effects to these listed species as a result of permitted wharf rehabilitation activities.

Magnuson-Stevens Fishery Conservation and Management Act of 1996: In addition, the Corps will consult with NOAA Fisheries on potential of adverse impacts to essential fish habitat pursuant to this Act for various life stages of fish species occurring in San Francisco Bay.

National Historic Preservation Act of 1966 (NHPA): A Corps archaeologist will be requested to conduct a cultural resources assessment of the permit area, involving a review of published and unpublished data on file with city, State and Federal agencies. If, based on assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a

proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the

Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Bob Quebedeaux of our office at telephone 415-977-8446 or E-mail: bob.d.quebedeaux@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.