

## SHPO Consultation Letters



**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

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May 13, 2022

In reply refer to: COE\_2022\_0419\_001

VIA ELECTRONIC MAIL

Julie Beagle  
Chief, Environmental Planning Section  
Army Corps of Engineers, San Francisco District  
450 Golden Gate Ave, 4<sup>th</sup> Floor, Suite 0134  
P.O. Pox 36152  
San Francisco, CA 94102

RE: Section 106 Consultation for the Oakland Harbor Turning Basin Widening Project,  
Alameda County

Dear Julie Beagle,

The U.S. Army Corps of Engineers (COE) is initiating consultation with the State Historic Preservation Officer (SHPO) to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulation at 36 CFR § 800 *et seq.* By letter received on April 19, 2022, the COE is seeking comments on their area of potential effects (APE), identification efforts, and finding of effect for the above-referenced undertaking. The COE submitted the following documents to support their finding of effect:

- *Oakland Harbor Turning Basins Widening Navigation Study; Cultural Resources Inventory Report* (Port of Oakland and USACE 2021a)
- *Oakland Harbor Turning Basins Widening Navigation Study; Cultural Resources Preliminary Assessment of Effects* (Port of Oakland and USACE 2021b)

The COE is proposing to participate in navigation improvements with the Port of Oakland at the Oakland Harbor, located on the eastern side of the San Francisco Bay in Alameda County. The undertaking consists of the consideration of four project alternatives: the expansion of the inner harbor turning basin (IHTB), the expansion of the outer harbor turning basing (OHTB), the expansion of both the IHTB and OHTB, and no action/no project.

The proposed widening of the IHTB would entail expanding the basin from 1,500 feet to 1,834 feet with a depth of -50 feet consistent with the existing IHTB, the removal of existing pavement, the demolition of existing bulkhead sections, the installation of new bulkhead sections, the installation of anchor/tie backs, removal of 300 piles, the demolition of two existing warehouses, and dredging.

The proposed widening of the OHTB would entail expanding the basin from 1,650 feet to 1,965 feet and dredging to a depth of -50 feet consistent with the existing OHTB.

The COE describes the APE as the proposed construction footprints for the expansion of the IHTB and OHTB, with staging and access to occur on previously developed areas and upon existing roads. The vertical extent of the APE is described as up to 65 feet below ground surface for the installation of sheet piles for the bulkhead walls, with dredging of up to approximately 45 feet or less.

Efforts to identify historic properties include a records search, review of a geophysical survey, archival research, pedestrian survey, and Native American outreach. The COE requested a search of the Sacred Lands File from the Native American Heritage Commission (NAHC) returning positive results. The COE contacted Native American entities listed by the NAHC as having cultural ties to the project area.

Efforts to identify historic properties resulted in the identification of two structures associated with the Fleet Industrial Supply Center (FISC) and the Todd-United Engineering Company Shipyard Historic District (P-01-003218).

The COE has concluded that issuing a permit would have no effect on historic properties and has requested review and comment on their finding of effect for the proposed undertaking. After reviewing the letter and supporting documentation, I have the following comments:

- Pursuant to 36 CFR § 800.4(a)(1), I have no comments on the APE.
- Efforts to identify historic properties in the IHTB consisted of a records search. The shipwreck database maintained by the State Lands Commission is a list of shipwrecks reported in historic-era news articles that have, in most cases, not been confirmed for accuracy. The OHTB has undergone a geophysical survey, informing the COE's determination that no underwater historic properties are in that area, and similar methods of underwater survey are suggested to better inform the COE on the possibility of cultural resources within the IHTB. Though the Report states that the OHTB and IHTB have been subject to annual maintenance dredging, and therefore the likelihood that undiscovered and undisturbed cultural resources is low, this only provides a reasonable argument for the area within the APE subjected to maintenance dredging, presumably the shipping channel. The APE appears to encompass and extend beyond the shipping channel. If this information is incorrect,

please provide the accurate information. Please convey the COE's efforts to identify previously unrecorded historic properties in the IHTB or the reasons further efforts are not warranted.

- The COE's report (Port of Oakland and USACE 2021a) discusses "two FISC structures partially located on the Alameda side of the IHTB APE" and refers to a previous determination of not eligible for inclusion in the National Register by a consultant in 1996. Confirmation is requested that these two structures the referred to two warehouses proposed to be demolished in widening the IHTB in the COE's letter.
- Further, if the COE is utilizing a previous determination of eligibility for the two FISC structures, please provide a copy of the SHPO consensus letter for that determination or the date and federal agency who made that determination. If the COE is using a previous evaluation to make its determination of eligibility and is requesting SHPO concurrence, provide that evaluation and state the COE's determination and request for concurrence.
- A number of built environment resources that were previously recorded within the APE but are no longer extant and built environment resources that are still extant. Please clarify the cultural resources that exist within the APE, evaluate those resources and determine their eligibility for inclusion in the National Register pursuant to 36 CFR § 800.4(c), or convey the reasoning such determinations are not warranted. If utilizing previous determinations of eligibility, convey the SHPO consensus letter on those determinations.

As the COE's efforts to identify historic properties pursuant to 36 CFR § 800.4 are unclear, it would be premature to comment on further steps in the Section 106 process at this time. Please convey the additional information needed to address the above comments. If you require further information, please contact Elizabeth Hodges of my staff at (916) 445-7017 or [Elizabeth.Hodges@parks.ca.gov](mailto:Elizabeth.Hodges@parks.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne', with a long horizontal line extending to the right.

Julianne Polanco  
State Historic Preservation Officer



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
450 GOLDEN GATE AVE. 4<sup>TH</sup> FLOOR.  
SAN FRANCISCO, CALIFORNIA 94101

APRIL 19, 2022

Ms. Julianne Polanco  
State Historic Preservation Officer  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Dear Ms. Polanco,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is consulting with you on the proposed Oakland Harbor Turning Basins Widening Navigation Project located in the Port of Oakland between Oakland and Alameda on the south east side of Oakland Harbor in Alameda County, California.

The USACE as the federal lead agency, and the Port of Oakland (Port), as the nonfederal sponsor, are studying the *Oakland Harbor Turning Basins Widening Navigation Project* to determine if there is a technically feasible, economically justifiable, and environmentally acceptable recommendation for federal participation in navigation improvements to the constructed -50-Foot Oakland Harbor Navigation Project.

We are initiating consultation for the undertaking pursuant to the National Historic Preservation Act (NHPA) and in accordance with the implementing regulations for Section 106 found at 36 CFR Part 800, we are seeking (1) your comments on our Area of Potential Effects (APE), (2) our *Level of Effort* identifying historic properties in the APE, and (3) your concurrence with our finding of: "*No Historic Properties Affected*", pursuant to 36 CFR Part 800.4(d)(1).

We are coordinating environmental compliance review with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) and providing you with two detailed cultural resources reports prepared for this study, that are intended to support the preparation of National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) documentation by USACE and the Port, respectively.

- (a) The *Oakland Harbor Turning Basins Widening Navigation Project Cultural Resources Inventory Report 2021* includes the project description; identification of the vertical and horizontal APE which encompasses all ground disturbing activities on land and submerged; and identification of all cultural resources (i.e., archaeological and historic architecture/built environment resources) present in the APE. Please see the enclosed Cultural Resources Inventory report for
- Results of CHRIS Records Search
  - Previous Historic Properties Reports and National Register Eligibility
    - Oakland Harbor Todd Shipyard
    - Oakland Harbor Berth 55-58

- Oakland Harbor -42 Foot Navigation Study
- Oakland Harbor -50 Foot Navigation Study
- Results of Native American Heritage Commission Search
- Results of Native American Consultation
- Archaeological Coverage (Field-Survey) and Site Location Maps

(b) *The Oakland Harbor Turning Basins Widening Navigation Project Cultural Resources Preliminary Assessment of National Register Eligibility and Determination of Adverse Effects Report* includes the eligibility determinations and findings of “*No Historic Properties Affected*” pursuant to 36 CFR Part 800.4(d)(1) for the proposed undertaking. No cultural resources eligible for the National Register were identified in the current APE.

Previous studies completed for undertakings within the APE determined no historic properties OR historic properties that are not eligible for listing on the National Register based upon the SHPO’s consensus, and are not subject to management under Section 106.

In accordance with regulations implementing Section 106 of the National Historic Preservation Act (NHPA), as amended, the USACE and the Port of Oakland determined that no historic properties are within the APE for the proposed Oakland Turning Basins Widening Navigation Study and no historic properties will be affected. We are requesting your review of our APE, efforts to identify historic properties, and consensus with our determination of “*no historic properties affected*.” If you have any questions regarding this project, or need additional information, please contact Kathleen Ungvarsky at 415-503-6842 or email [Kathleen.ungvarsky@usace.army.mil](mailto:Kathleen.ungvarsky@usace.army.mil).

Sincerely,

Julie Beagle,  
Chief, Environmental Planning Section

The Following Files were attached to the USACE's April 19, 2022 letter to the SHPO:

- Cultural Resources Preliminary Assessment of Effects (Dated Sept 2021)
- Cultural Resources Inventory Report (Dated Sept 2021)
- Letter sent September 16, 2021 to tribes (redacted example provided in tribal letters section below )

# Oakland Harbor Turning Basins Widening Navigation Study

## Cultural Resources Inventory Report



September 2021





# Oakland Harbor Turning Basins Widening Navigation Study

## Cultural Resources Preliminary Assessment of Effects



September 2021



## Tribal Consultation Letters



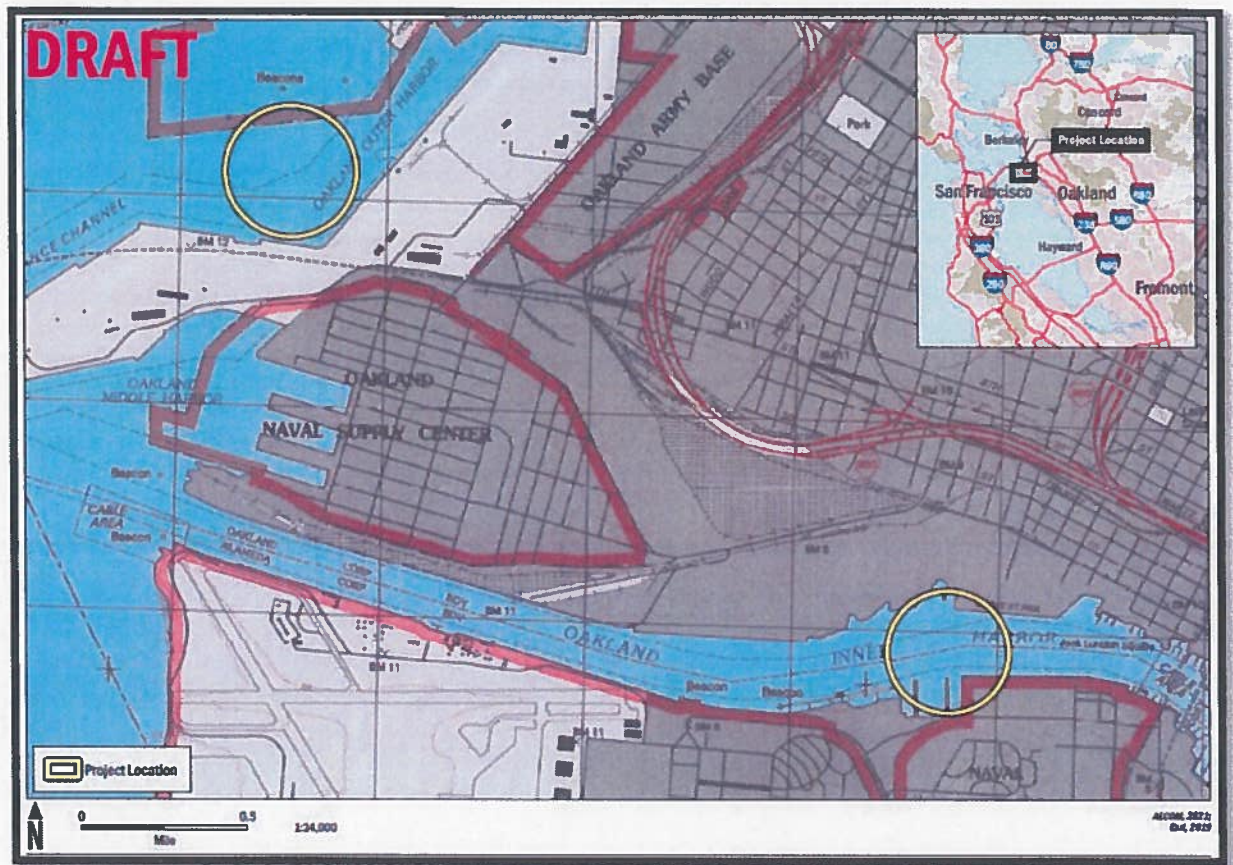
**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**450 GOLDEN GATE AVE**  
**SAN FRANCISCO, CALIFORNIA 94101**

September 23, 2021

**SUBJECT: Oakland Harbor Turning Basins Widening Navigation Study, Oakland and Alameda, Alameda County, California.**

[REDACTED]

The United States Army Corps of Engineers (USACE), as the federal lead agency, and the Port of Oakland (Port), as the non-federal sponsor, are conducting the Oakland Harbor Turning Basins Widening Navigation Study. As depicted on Figure 1 below, the Oakland Harbor is located on the eastern side of San Francisco Bay in the communities of Alameda and Oakland, Alameda County, California. It includes the Entrance Channel, the Outer Harbor Channel and Outer Harbor Turning Basin (OHTB), and the Inner Harbor Channel and Inner Harbor Turning Basin (IHTB). The Outer Harbor Channel is located immediately south of the San Francisco-Oakland Bay Bridge and is maintained to a depth of -50 feet Mean Lower Low Water (MLLW). The Inner Harbor Channel is also maintained to -50 feet MLLW through the Howard Terminal, which is approximately 2.5 miles from the Inner Harbor entrance.



**Figure 1: Oakland Harbor Turning Basins Widening Navigation Study**

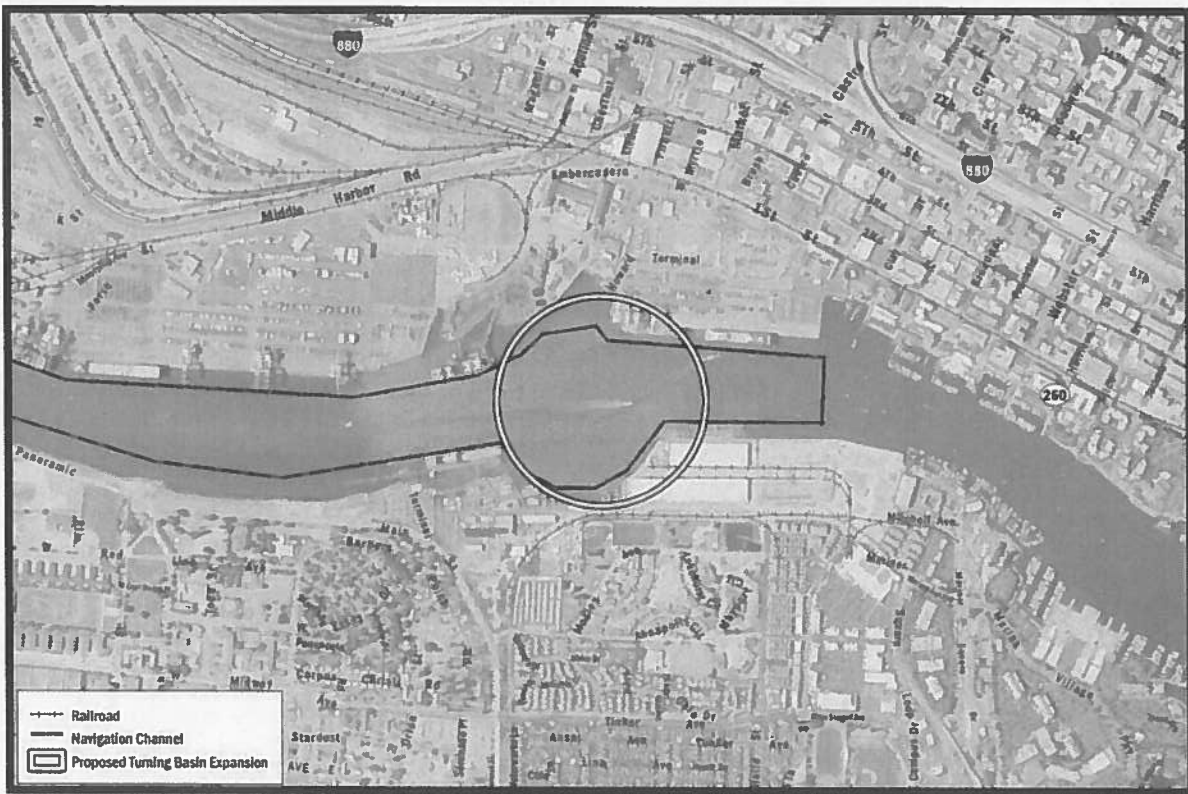
The current Oakland Inner and Outer Harbor Turning Basins are of insufficient size to allow safe and timely turnaround by larger vessels that frequent the Port of Oakland. More specifically, the problems in Oakland Harbor are caused by length limitations in the turning basins and are not caused by depth limitations nor by landside capacity. The need for this navigation study arises from inefficiencies currently experienced by vessels in harbor, specifically the turning basins, where the current fleet exceeds the maximum dimensions of the constructed 50-foot Oakland Harbor Navigation Project. These inefficiencies are projected to continue in the future as vessel sizes are expected to increase.

The purpose of the study is to determine if there is a technically feasible, economically justifiable, and environmentally acceptable recommendation for federal participation in a navigation improvement project to the constructed 50-foot Oakland Harbor Navigation Project. Currently under consideration are the following scenarios for increasing the size of the turning basins:



### *Inner Harbor Turning Basin Expansion*

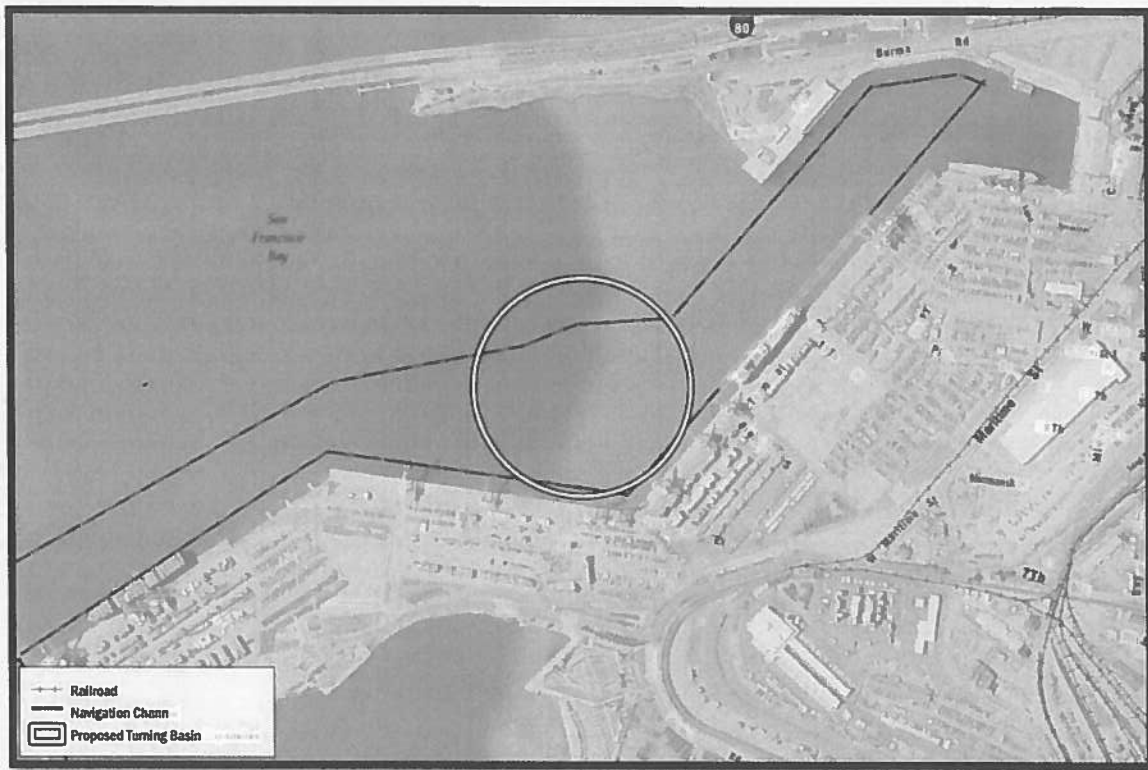
This project alternative would consist of widening the existing IHTB from 1,500 feet to 1,830 feet, and to a depth of -50 feet MLLW consistent with the existing IHTB. In addition to in-water work to widen the IHTB, land would be impacted in three locations, as shown in Figure 2. These are: Schnitzer Steel, Howard Terminal, and Alameda.



**Figure 2: IHTB Proposed Widening**

### *Outer Harbor Turning Basin Expansion*

This project alternative would consist of widening the existing OHTB from 1,650 to 1,965 feet. The proposed expanded OHTB relative to the current limits of the navigation channel is shown in Figure 3 below. There are no land impacts under the proposed footprint of the expanded OTHB.



**Figure 3: OHTB Proposed Widening**

The final project may ultimately widen only the IHTB, widen only the OHTB, widen both the IHTB and OHTB, or not widen either. Expansion of one or both turning basins would improve the efficiency of vessels entering and exiting the Port; however, the project would not change overall volumes of freight that would come into the Port from current projected volumes.

As part of this effort, the USACE, in compliance with Section 106 of the National Historic Preservation Act, is to identify and record all cultural resources within the project's Area of Potential Effects (APE) and, if needed, develop mitigation measures for their proper management. As part of the project, the USACE is requesting any information you may have regarding sacred lands, traditional cultural properties, features, or materials within the project area and immediate vicinity that may be of concern to your tribe or the local Native American community. Any comments you may have regarding this area would be confidential and greatly appreciated.

Figure 1 of this request is a portion of the Oakland West, Calif. USGS 7.5' topographic quadrangle delineating the current project area within the confines of the Port of Oakland. The OHTB and IHTB are delineated by the yellow circles which conform to the circles seen in Figures 2 and 3 of the IHTB and OHTB, respectively.

We would greatly appreciate your tribe's engagement in this process. We appreciate your consideration and look forward to collaborating with your tribe on this study. If you have any questions regarding this request, please contact Kathleen Ungvarsky of the USACE at (415) 503-6842 or Kathleen.Ungvarsky@usace.army.mil.

Sincerely,

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Julie Beagle  
Leader, Environmental Planning  
Section



**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**450 GOLDEN GATE AVENUE**  
**SAN FRANCISCO, CALIFORNIA 94102-3404**

September 16, 2020

SUBJECT: National Environmental Policy Act Participating Tribe Request for the Oakland Harbor Turning Basins Widening Study, Alameda and San Francisco Counties, California.

[REDACTED]

The United States Army Corps of Engineers (USACE), San Francisco District, and the Port of Oakland are currently studying the feasibility of a project to improve navigation safety and efficiency at the Oakland Harbor turning basins in Alameda County (see enclosed map). Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. § 4321), USACE will prepare a NEPA document as part of the study. The Port of Oakland is the non-federal sponsor for the study and the California Environmental Quality Act (CEQA) (14 C.C.R. § 21000 et seq.) lead agency.

The Oakland Inner and Outer Harbor Turning Basins are currently too shallow to allow safe and timely turnaround by larger deep-draft vessels that frequent the Port of Oakland. These turning basins are crucial to commerce and transportation both regionally and nationally. With no action to improve current basin conditions there is potential for adverse risks to the economic character of the area and the physical environment.

The USACE and the Port of Oakland are in the preliminary stages of the planning process for the study. We are currently identifying problems, opportunities, constraints, and considerations, as well as formulating preliminary potential measures and alternatives to improve the safety and efficiency of deep-draft navigation at the turning basins in Oakland Harbor, Alameda County.

The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR §1500-1508) encourage agency cooperation in the NEPA process. Specifically, 40 CFR §1501.6 provides for the lead agency to request involvement in the NEPA process from other agencies with jurisdiction and/or special environmental expertise related to the study. Moreover, Executive Orders 13766 (January 30, 2018) and 13807 (August 24, 2017), are intended to expedite the environmental review process for such major infrastructure projects through agency



involvement. Specifically, Executive Order 13807 requires that federal agencies process environmental reviews and authorizations for major infrastructure projects using "One Federal Decision." It sets a goal for lead, cooperating, and participating agencies to complete all permit approvals and the NEPA process within 2 years of issuing a notice of intent to prepare an Environmental Impact Statement. As part of the One Federal Decision process, the lead agency, and cooperating and participating agencies shall develop and agree to a permitting timetable that includes the expected completion dates for the Record of Decision and the federally required authorizations.

The study includes both aquatic areas and upland areas along the East Bay shoreline. These study areas may include resources that may be of significance to your tribe. Therefore, we respectfully request your tribe's participation in the NEPA process for the Oakland Harbor Turning Basins Widening Study, pursuant to 40 CFR §1501.6. Please respond to this letter in writing by October 2, 2020 indicating whether your tribe intends to be a participating tribe on this project.

The USACE and Port of Oakland will hold a resource agency and tribal working group kick-off meeting for the study in early October 2020. The purpose of the meeting is to provide further detail on the study scope and planning process as well as obtain your initial input on the study, including potentially affected resources and necessary compliance. The meeting will be held virtually. You will receive an email invitation with an availability poll to help us schedule an exact meeting date and time that is convenient for most. We would greatly appreciate your tribe's engagement in this meeting.

We appreciate your consideration and look forward to collaborating with your tribe on this study!

If you have any questions regarding this request, please contact Kathleen Ungvarsky of the USACE at (415) 503-6842 or [Kathleen.Ungvarsky@usace.army.mil](mailto:Kathleen.Ungvarsky@usace.army.mil). If you have any questions related to the CEQA process for the study, please contact Jan Novak at (510) 627-1176 or [jnovak@portoakland.com](mailto:jnovak@portoakland.com).

Sincerely,

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Tessa E. Beach, Ph.D.  
Chief, Environmental Sections

Enclosure

