

FINDING OF NO SIGNIFICANT IMPACT

OAKLAND HARBOR TURNING BASINS WIDENING NAVIGATION STUDY OAKLAND, CALIFORNIA, ALAMEDA COUNTY

The U.S. Army Corps of Engineers, San Francisco District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated 24 May 2024, for the Oakland Harbor Turning Basins Widening Navigation Study addresses Navigation Improvement opportunities and feasibility in Oakland, Alameda County, California. The final recommendations are contained in the report of the Chief of Engineers.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would improve navigation efficiency in the study area. The recommended plan is Alternative D-2, which includes:

- Landside excavation of approximately 581,300 and 224,500 cubic yards of soil from Alameda and Howard Terminal, respectively;
- 175,900 square feet of building demolition in Alameda;
- Removal of 815 linear feet of existing bulkhead, 54 existing batter piles, and 5,000 concrete piles from Alameda and Howard Terminal;
- Landside and aquatic Installation of an estimated 2,380 linear feet of sheet pile bulkhead;
- Installation of 23,700 cubic yards of rock fill for bank stabilization;
- Installation of 221 batter piles to support the new bulkhead;
- Dredging of approximately 2,400,000 cubic yards of dredged material;
- Placement of material at Keller Canyon landfill, Kettleman Hills landfill, and an upland beneficial use site as either non-cover or cover in compliance with 33 U.S. Code § 2326 (WRDA 1992 § 204(d)); and
- Use of electrified dredges.

In addition to a “no action” plan, five alternatives were evaluated. The alternatives included:

1. Alternative B: Widening the Inner Harbor Turning Basin only, with beneficial placement of eligible material
2. Alternative C: Widening the Outer Harbor Turning Basin Only, with beneficial placement of eligible material
3. Alternative D-0: Widening the Inner and Outer Harbor Turning Basins using diesel dredges with the least costly dredged material placement
4. Alternative D-1: Widening the Inner and Outer Harbor Turning Basins, with beneficial placement of eligible material
5. Alternative D-2: Widening the Inner and Outer Harbor Turning Basins, with beneficial placement of eligible material and the electrification of dredges

These alternatives are compared in Chapter 4 of the IFR/EA.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Essential Fish Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic & radioactive waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts. A complete list of avoidance and minimization measures is provided in Appendix A07 of the IFR/EA. The following describes the avoidance and minimization measures for the resources marked insignificant effects due to mitigation. These measures are what mitigate the effects to insignificant.

- Aquatic resources/wetlands, Water Quality: Standard construction BMPs (stormwater pollution prevention plan), Spill Prevention Control and Countermeasures plan, control of dewatered groundwater, silt curtains as necessary, environmental dredging bucket as necessary, Sampling and Analysis Plan for soil characterization, Compliance with LTMS, No creosote treated pilings, Water Quality Monitoring Plan, compliance with the CWA 401 Certification, dredging BMPs.

- Fish and wildlife habitat, Threatened/Endangered species/critical habitat, Essential Fish Habitat: Compliance with consultation with NMFS and USFWS, Worker education programs, utilization of vibratory pile drivers where feasible, buffer zones for pile driving, Hydroacoustic and Biological Monitoring plan, eelgrass surveys.
- Hazardous, toxic & radioactive waste: No regulated HTRW aquatic sediments are expected, Environmental Protection Plan, avoid impeding existing DTSC cleanups, Appropriate disposal at Class I or II landfill in compliance with all federal and state law
- Noise levels: Temporary noise barrier for dredging activities, bubble curtains for pile driving, noise reducing pile driving techniques.

COMPENSATORY MITIGATION NOT REQUIRED

No compensatory mitigation is expected to be required as part of the recommended plan.

PUBLIC REVIEW

Public review of the draft IFR/EA and FONSI was completed on 16 June 2023. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 45-day state and agency review of the Final IFR/EA was completed.

OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:

ENDANGERED SPECIES ACT

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat:

- California least tern
- Central California coast steelhead DPS
- Central Valley steelhead DPS
- Sacramento winter-run chinook salmon ESU
- Central Valley spring-run chinook salmon ESU
- Longfin smelt
- Green sturgeon

The Biological Assessment is provided in Appendix A01a. USFWS issued a Letter of Concurrence on 16 June 2023 and NMFS issued a Letter of Concurrence on 24 August 2023. The letters are also found in Appendix A01a.

MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT

Pursuant to the Act, USACE has determined that the recommended plan would not have substantial adverse effect to Essential Fish Habitat (EFH) or Habitats of Particular Concern. An EFH Assessment is provided in Appendix A01b. Consultation was completed 24 August 2023 with a Letter of Concurrence from NMFS that the recommended plan may adversely affect EFH. No additional conservation measures beyond those proposed by USACE in the EFH Assessment were recommended.

FISH AND WILDLIFE COORDINATION ACT

As required by the Fish and Wildlife Coordination Act, the recommendations of the Secretary of the Interior, through the USFWS, have been sought throughout the planning process. USFWS provided a Final Coordination Act Report dated 3 November 2023 which is provided in Appendix A02.

NATIONAL HISTORIC PRESERVATION ACT

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that the recommended plan has no historic properties affected. SHPO received the USACE Consultation Letter on 8 August 2023 and concurred on 31 August 2023. The Consultation Letter is found in Appendix 06b. SHPO's response is provided in Appendix 06a.

CLEAN WATER ACT SECTION 404(b)(1) COMPLIANCE

The 404(b)(1) evaluation is included in Appendix A03a.

CLEAN WATER ACT SECTION 401 COMPLIANCE

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the San Francisco Bay Regional Water Quality Control Board prior to construction. All conditions of a water quality certification would be implemented in order to minimize adverse impacts to water quality.

COASTAL ZONE MANAGEMENT ACT

The U.S. Army Corps of Engineers determined the recommended plan is consistent with the California Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972. The Phase I Consistency Determination is included in Appendix A05. The San Francisco Bay Conservation and Development Commission provided a Letter of Agreement concurring with the Phase I Consistency Determination on 27 December 2023.

MARINE MAMMAL PROTECTION ACT

USACE will initiate consultation with the NMFS as more project-specific information on construction methods and materials is developed. Concurrence from HQUSACE to defer Marine Mammal Protection Act (MMPA) compliance to Preconstruction Engineering and Design (PED) was approved on 2 May 2024.

OTHER SIGNIFICANT ENVIRONMENTAL COMPLIANCE

A Clean Air Act Conformity Applicability Analysis has been completed and the emissions were found to be below the applicable *de minimis* thresholds. Therefore, the project is in compliance with the Clean Air Act.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

FINDING

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

21 August 2024

Date

Timothy W. Shebesta
Lieutenant Colonel, U.S. Army
District Commander and Engineer